

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Labour and Information Department

Notification

CLE/ESI/74

The following draft rules which the Government of Goa, Daman and Diu proposes to make under clauses (d) to (h) of sub-section (1) of Section 96 of the Employees' State Insurance Act, 1948 (34 of 1948) in consultation with the Corporation, are hereby published for general information.

Notice is hereby given that the said draft rules will be taken into consideration by the Government on the expiry of 15 days from the date of publication in the Official Gazette.

All objections and suggestions if any, may be sent to the Secretary, Government of Goa, Daman and Diu in Labour and Information Department, Secretariat, Panaji, within 15 days of publication of this notification so that they may be taken into consideration at the time of finalisation of the rules.

DRAFT RULES

In exercise of the powers conferred by clauses (d) to (h) of sub-section (1) of section 96 of the Employees' State Insurance Act, 1948 (34 of 1948), the Government of Goa, Daman and Diu is pleased to make the following rules, namely:—

PART I

General

1. **Short title, extent and commencement.**— (1) These rules may be called the Goa, Daman and Diu Employees' State Insurance (Medical Benefit) Rules, 1975.

(2) They extend to the whole of the Union territory of Goa, Daman and Diu.

(3) They shall come into force in such area or areas on such date or dates as the Government may,

by notification in the Official Gazette, specify in this behalf.

2. **Application.**— Save as otherwise provided in rule 5, the provision of these rules shall, apply to the insured persons and family members of insured persons.

3. **Definitions.**— In these rules, unless the context otherwise requires.

(1) "Act" means the Employees' State Insurance Act, 1948;

(2) "Administrative Medical Officer" means one or more officers appointed as such by the Government to control the Administration of medical benefit in such areas as the Government may specify in the behalf;

(3) "Allocation Committee" means a Committee formed under paragraph 3 of the Term of Service for Insurance Medical Practitioner;

(4) "capitation fee" means remuneration payable to an insurance medical practitioner for medical services rendered by him to an insured person according to the scale of medical benefit prescribed by the Corporation;

(5) "Director of Health Services" means the Director of Health Services Government of Goa, Daman and Diu.

(6) "drugs" includes all medicines for internal or external use of human being and all substances intended to be used for or in the treatment, mitigation or prevention of disease in human beings;

(7) "Government" means the Government of Goa, Daman and Diu;

(8) "identity card" means a card issued by the appropriate Regional Office of the Corporation to an insured person for identification for the purpose of the Act, the rules and regulations thereunder;

(9) "Insurance Medical Practitioner" means any medical practitioner appointed as such to provide medical benefit under the Act and to perform such other functions as may be assigned to him and shall be deemed to be a duly appointed medical practitioner for the purposes of Chapter V of the Act;

(10) "Local Medical Organisation" means an Organisation of Medical Practitioners as recognised by the Government;

(11) "medical practitioner" means a person holding a qualification granted by an authority specified or notified under section 3 of the Indian Medical Degrees Act, 1916 or specified in the Schedule to the Indian Medical Council Act, 1956;

(12) "medical referee" means a medical officer appointed as such by the Corporation;

(13) "quarter" means any one of the periods from the 1st day of January to the 31st day of March, the 1st day of April to the 30th day of June, the 1st day of July to the 30th day of September and the 1st day of October to the 31st day of December;

(14) "regulations" means the Employees' State Insurance (General) Regulations, 1950;

(15) "State Insurance Medical Formulary" means a list of prescriptions and injections laid down by the Corporation from time to time;

(16) All other words and expressions used herein but not defined, shall have the same meaning as is assigned to them in the Act, the rules made under section 95 or the regulations under section 97 of the Act, as the case may be.

PART II

Provisions relating to Medical Benefit

4. Scale of Medical Benefit for insured persons. — The medical benefit provided under these rules shall be according to the following scale: —

(1) General Medical Services which shall include treatment at the clinic of an Insurance Medical Practitioner or other institutions and shall consist of: —

(i) all treatment other than treatment involving the application of special skill or experience;

(ii) such preventive treatment as vaccination and inoculations;

(iii) ante-natal and post-natal treatment of insured women;

(iv) the free provision of all drugs and dressings that may be considered necessary;

(v) provision of certificates, free of cost, in respect of sickness, maternity, employment injury and death, required under the Regulations or as may be required by the Corporation;

(vi) domiciliary visits, where necessary.

(2) Maternity medical services for insured women in such manner as the Government may specify from time to time.

(3) In-patient treatment in a hospital which is established or specified for the purpose by the Government, if accommodation is available therein, and in the case of serious emergency or otherwise it is considered necessary by the Insurance Medical Practitioner. The treatment provided for the patient shall include free maintenance and such specialist and general treatment, as may be available including treatment as confinement where necessary, as may be available at the general wards of the hospital to which the insured person is admitted as well as those special investigations which are considered desirable and for which facilities exist at the hospital or at an associated laboratory.

(4) Facilities for the removal, free of charge, of insured persons to hospital, where necessary by ambulance or otherwise.

5. Scale of medical benefit for insured person's family. — The Government shall arrange to provide General Medical Services to the family of an insured person at the dispensary or clinic of an Insurance Medical Practitioner or other institutions similar to that of insured persons as specified in rule 4.

6. Reimbursement of cost, in some cases, of treatment taken at a place where scheme is not in force. — If an insured person, while on duty in any area in which the Employees' State Insurance Scheme is not in force, sustains an employment injury and takes treatment at the clinic of a private medical practitioner or a hospital in such area, the cost of such treatment or any portion thereof may be reimbursed by the Administrative Medical Officer, provided that he was not away from his headquarters for more than three months and that his claim is certified as reasonable by the Director of Health Services local Government medical officer.

7. Provision of general medical services to insured persons by Insurance Medical Practitioners. — (1) The Government shall arrange to provide general medical services to insured persons at clinics of Insurance Medical Practitioners who have undertaken to provide general medical services under these rules and in accordance with their terms of service.

(2) An Insurance Medical Practitioner shall be deemed to be appointed as an Insurance Medical Officer for the purposes of the Regulations.

8. The Medical List. — (1) The Administrative Medical Officer shall prepare a list of the practitioners whose applications have been approved by the Allocation Committee to be called the Medical List of Insurance Medical Practitioners who have undertaken to provide general medical services under these rules and in accordance with the terms of service.

(2) The Medical List shall contain in addition to the names of Insurance Medical Practitioners: —

(a) the private address and the address of any clinic, dispensary or other place, at which the practitioner undertakes to attend for the purpose of treating insured persons;

(b) particulars of the days and hours at which he undertakes to be in attendance at each place; and

(c) the part of the town or the ward in which he is prepared to visit patients.

(3) Copies of the Medical List shall be available for inspection by any insured person at the office of the Administrative Medical Officer.

(4) Copies of the Medical List shall be supplied to —

(a) The Medical Commissioner of the Corporation;

(b) The Regional Office of the Corporation;

(c) The Medical Referee concerned; and

(d) On demand to any employer, trade union or medical association.

9. Application for inclusion in the Medical List. — Application by a medical practitioner for inclusion in the Medical List shall be made by sending the application to the Administrative Medical Officer in the form specified by the Government for the purpose.

10. Choice of Insurance Medical Practitioner. — (1) Application by an insured person for acceptance by an Insurance Medical Practitioner for inclusion of his name and the names of members of his family in the practitioners' list shall be made by delivering to the practitioner a signed medical acceptance card in such form as the Corporation or the Government may specify.

(2) The Insurance Medical Practitioner may accept or refuse to include such insured person or members of his family in his list. In case of acceptance the Insurance Medical Practitioner shall sign the card delivered to him under sub-rule (1) as a token of acceptance and forward it to the Administrative Medical Officer.

11. Change of Insurance Medical Practitioner. — (1) An insured person may change his Insurance Medical Practitioner at any time if he changes his residence to a distant locality or otherwise, not more than once a year:

Provided that the Administrative Medical Officer may if he is satisfied that any special circumstances exist, permit a change at any other time on the application of an insured person.

(2) The application for such change shall be made by the insured person in such manner as the Government may specify and the Administrative Medical Officer shall intimate the change agreed to or permitted by him to the Insurance Medical Practitioners concerned and to the insured persons.

(3) On the death of or on the removal or withdrawal from the list of an Insurance Medical Practitioner, the Administrative Medical Officer shall give to the persons on the list of such practitioner, notice of their right to apply to another Insurance Medical Practitioner for acceptance.

12. Assignment of insured person to Insurance Medical Practitioners. — An insured person who has not been accepted by an Insurance Medical Practitioner in accordance with rule 10 shall be assigned to any other Insurance Medical Practitioner by the Allocation Committee, or in emergent circumstances by Administrative Medical Officer.

13. Temporary arrangements. — Temporary arrangements on death or withdrawal from the list of Insurance Medical Practitioner shall be as follows: —

(1) For the purpose of securing the treatment of insured persons on the list of an Insurance Medical Practitioner whose name has ceased to be included in the medical list pending their selection or transfer to the list of another Insurance Medical Practitioner, the Administrative Medical Officer may appoint one or more Insurance Medical Practitioners to undertake the treatment of such persons.

(2) An appointment of any practitioner under this rule shall be for such period as the Administrative Medical Officer may think fit, but not exceeding, except in special circumstances, two months. Pending any such appointment, the name of any person who has not been transferred to another Insurance Me-

dical Practitioner shall be deemed to remain on the list of the Insurance Medical Practitioners whose name has ceased to be included in the medical list. Any such arrangements shall be reported to the Allocation Committee at its next meeting.

14. Practitioner's List. — (1) The Administrative Medical Officer shall prepare and maintain an up-to-date list of insured persons for whose treatment such Insurance Medical Practitioner is for the time being responsible and shall from time to time furnish the Insurance Medical Practitioner with information in such form as the Government may determine with regard to persons included in or remove from the practitioner's list.

(2) Any deletion, otherwise than by reason of death shall take effect as from the date on which the notice of deletion is sent by the Administrative Medical Officer to the Insurance Medical Practitioners or from such other date, not being earlier than that date as may be specified in the notice.

(3) Any deletion by reason of death shall take effect as from the date on which the person died.

(4) Inclusion or removal of an insured person in or from the list of an Insurance Medical Practitioner shall be subject to such conditions as may be laid down by the Government after consultation with the Corporation.

15. Provision of alternative arrangements. — (1) In respect of any area for which it considers this necessary, the Government may provide general medical services to insured persons either —

(a) by setting up Insurance dispensaries for the treatment of insured persons, staffed by full-time or part-time Insurance Medical Officers;

(b) by making suitable arrangements for a mobile dispensary to visit a central spot near the places of residence of insured persons;

(c) by making suitable arrangements for general medical services at any hospital, dispensary, clinic or other institution maintained by the Government, a local authority, a private institution or a private individual on such terms as may be agreed to by the Corporation; or

(d) by making such other arrangements as may be deemed adequate.

(2) Conditions of service of the full-time Insurance Medical Officers and other staff shall be the same as for other medical servicemen in the Union territory of Goa, Daman and Diu.

16. Procedure for obtaining general medical service. — An insured person who wishes to claim general medical services shall attend with his identity card at the clinic of the Insurance Medical Practitioner on whose list his name is included or at the dispensary or other institution to which he is allotted:

Provided that in case of an emergency, an insured person may claim medical benefit under these rules from any other Insurance Medical Practitioner or at any dispensary or institution providing treatment under these rules:

Provided further that where an insured person is unable to attend a clinic or the institution, the In-

Insurance Medical Practitioner shall on intimation being received, visit him at his residence if he is satisfied by interrogation or otherwise that the insured person cannot reasonably be expected to come to the clinic or the institution:

Provided also that if the insured person or his agent fails to produce his or the insured person's identity card, as the case may be, as proof of the person claiming the benefit being an insured person, the medical benefit may, subject to the terms of service be refused to him.

17. Provision of hospital services. — The Government may also establish separate hospitals or other medical Institutions for the examination and treatment of insured persons or may arrange to reserve on such scales and terms as may be agreed upon between the Corporation and the Government from time to time, separate beds for the exclusive use of insured persons in the hospitals or other medical institutions under its control or under the control of a local authority, private institution or individual.

18. Supply of drugs and dressings. — (1) The Government shall make the necessary arrangements to enable insured persons receiving general medical service, to obtain from the Insurance Medical Practitioners or from any other person or institution with whom arrangements have been made with such proper and sufficient drugs, medicines and dressings free of charge, as may be required for their treatment.

(2) Insurance Medical Practitioners and Insurance Medical Officers shall prescribe such drugs as are required for insured persons, but as far as possible in accordance with the State Insurance Medical formulary.

19. Cost of medicine container. — A deposit shall be payable by the insured person at the rate fixed by the Government for the supply of medicine container to him. The sum deposited shall be paid back to him when the container is returned.

20. Medical Services provided by Employers. — Where an employer is providing medical services not lower in standard than those provided to insured persons by the Government, arrangements may be made for the continuance of such services for providing medical benefit to insured persons under such terms and conditions as may be agreed upon between the Government, the Corporation and the Employer.

PART III

Medical Service Committee

21. Medical Service Committee. — (1) A Medical Service Committee shall be set up for such area or areas as may be considered appropriate by the Government and shall consist of the following members:

- (a) A chairman nominated by the Government;
- (b) One or two employees' representatives as may be considered by the Government to be nominated by it in consultation with such organisation of employees as may be recognised for the purpose by the Government;
- (c) An equal number of representatives of Insurance Medical Practitioners to be nominated

by the Government on the recommendation of the Local Medical Committee, if any, or in consultation with such organisation of Insurance Medical Practitioners as may be recognised for the purpose, by the Government;

«d) A Medical Referee of the Corporation nominated by it;

(e) A nominee of the Director of Health Services;

(2) If the Committee as constituted under sub-rule (1) does not contain a woman, the Government may nominate a woman as an additional member.

(3) There shall be appointed in the same manner as the members of the Medical Service Committee a corresponding number of persons to act as deputies for the members, and in the absence of members of the committee, such persons shall be entitled to act accordingly.

(4) The Government shall appoint one of its whole time officers to act as Secretary to the Medical Service Committee. He shall not be entitled to vote.

(5) (i) The term of office of the members of the Medical Service Committee referred to in sub-rule (1) (b) and sub-rule (1) (c) shall be three years commencing from the date on which their nomination is notified:

Provided that the members of the Committee shall, notwithstanding the expiry of the said period, continue to hold office until the nomination of their successor is notified.

(ii) The members of the Medical Service Committee referred to in sub-rule (1) (a), sub-rule (1) (d), and sub-rule (1) (e) shall hold office during the pleasure of the Government, the Corporation or the Director of Health Services, as the case may be.

(iii) A member of the Medical Service Committee may resign his office by notice in writing to the Government and the seat shall fall vacant on acceptance of the resignation.

(iv) A member of the Medical Service Committee shall cease to be a member of the Committee if he fails to attend three consecutive meetings thereof:

Provided that his membership may be restored by the Government on its being satisfied as to the unavoidable nature of the circumstances which led to his non-attendance.

(6) Non-official members of the Medical Service Committee shall receive such fees or allowances as the Government may specify.

22. (1) A separate Ayurvedic Medical Service Committee shall be set up for such area or areas as may be considered appropriate by the Government, and shall consist of the following members: —

- (a) A Chairman nominated by the Government;
- (b) One or two employees' representatives as may be considered by the Government to be nominated by it in consultation with such organisation of employees as might be recognised for the purpose by the Government;
- (c) An equal number of representatives of Ayurvedic Insurance Medical Practitioners to be nominated by the Government on the recom-

mendation of the Local Medical (Ayurvedic) Committee, if any, or in consultation with such organisations of Insurance Ayurvedic Practitioners as may be recognised for the purpose by the Government;

(d) A Medical Referee of the Corporation nominated by it;

(e) A nominee of the Director of Health Services.

(2) Provisions of sub-rules (2) to (6) of rule 21 shall apply mutatis mutandis to this Committee.

23. Investigations by Medical Service Committee. —

(1) (a) Any question arising between an Insurance Medical Practitioner and a person who is or has been or who claims to be or to have been entitled to obtain treatment from that practitioner or between the representative of any such person, if deceased, and the Insurance Medical Practitioner in respect of the treatment rendered by the Insurance Medical Practitioner or any alleged failure to render treatment or other breach by the Insurance Medical Practitioner of his duties under the terms of service or in respect of the conduct of the person while receiving treatment shall be investigated by the Medical Service Committee.

(b) The person desiring to raise any question under this rule shall either himself or through his representative, within six weeks, after the event which gave rise to the question, give written notice to the Secretary of the Committee stating the substance of the matter which it is desired to have investigated: provided that notwithstanding the failure to give notice within the said period the Committee may investigate the matter if they are satisfied that such failure was occasioned by illness or other reasonable cause and the Insurance Medical Practitioner consents to the investigation taking place.

(c) For the purpose of this rule, the representative shall include a member of the family of the person on whose behalf any question is raised under clause (a) or (b) or any person who satisfies the Medical Service Committee that he is acting on behalf of the person (on whose behalf the question is raised) but shall not include a person who is a legal practitioner.

(2) The Administrative Medical Officer may, if the Local Medical Committee so desires, shall refer for investigation by the Medical Service Committee any matter relating to the administration of medical benefit or the discharge by any Insurance Medical Practitioner of his duties under the terms of service whether such matter has been raised by or on behalf of an insured person under sub-rule (1) or not, and the Medical Service Committee shall investigate it accordingly:

Provided that no question which involves an allegation against an Insurance Medical Practitioner of a breach of the terms of service shall, without the approval of the Government be referred for investigation under this rule except within a period of three months after occurrence of the event on which such allegation is based.

24. Procedure of Committee. — (1) The Medical Service Committee may, if they think fit, permit any person concerned in an investigation to be assisted in the presentation of his case by some other person (not being a legal practitioner).

(2) The proceedings at the hearing before the Medical Service Committee shall be private and no person shall be admitted to those proceedings except —

(a) the persons concerned in the investigation and the person if any, permitted to appear for the purpose of assisting them;

(b) a person or persons to represent the insured person, who shall be either an official of his Trade Union or the employer or his representative;

(c) an officer of the Corporation;

(d) the Secretary or other officer of the Local Medical Committee; or at his opinion, a representative of the Local Medical Organisation to which he belongs;

(e) persons whose attendance is required for the purpose of giving evidence and who shall, unless the Committee otherwise direct, be excluded from the hearing except when they are actually giving evidence; and

(f) such officers under the Director of Health Services as may appoint for the purpose.

(3) The Director of Health Services shall make rules of procedure which shall provide for the quorum of the Medical Service Committee and, subject to the provision of this rule, for notice of the hearing to be given to the persons concerned in the investigation, including the Secretary of the Local Medical Committee, if any, and the appropriate officers of the Corporation and the Trade Union or employer and for the procedure before and the hearing with regard to the nature of the evidence to be admitted, and otherwise, and such rules may empower the committee to dispense with a hearing if they are satisfied that the complain is frivolous or vexatious or that the written statement or statements of the complainant do not disclose any prima facie ground of complaint and may delegate to the Chairman of the Committee such powers in this respect as the Director of Health Services thinks fit.

(4) The Medical Service Committee shall draw up a report stating such relevant facts as appear to them to be established by the evidence placed before them, and the inferences of the fact which in their opinion may properly be drawn from the facts together with a recommendation as to the action, if any, which should be taken and shall present the report to the Director of Health Services and the Director of Health Services shall accept as conclusive any finding of fact contained in the report. In presenting such report to the Director of Health Services, the Committee may, if they think fit, draw the attention of the Director of Health Services to any previous reports made by the Committee in connection with the Insurance Medical Practitioner and to any action taken by the Director of Health Services on such report and may recommend that account should be taken thereof in determining what action, if any, should be taken.

25. Action on report of Medical Service Committee. — (1) After investigation by the Medical Service Committee into any question relating to the conduct of an insured person, the Director of Health Services may refer the case to the Regional Office of the Corporation for action under Regulation 99 of the Regulations.

(2) After an investigation by the Medical Service Committee into any question relating to the conduct of an Insurance Medical Practitioner, the Director of Health Services may take action in any one or more of the following ways:—

(a) If the Director of Health Services is satisfied, that owing to the number of persons included in his list, the Insurance Medical Practitioner is unable to give adequate treatment to all those persons, he may impose a special limit on the number of persons for whom the Insurance Medical Practitioner may undertake to provide treatment and in that event any number in excess of that limit shall be dealt with as though the list of that Insurance Medical Practitioner was by that number in excess of the general limit fixed for Insurance Medical Practitioners in that area;

(b) The Director of Health Services may recover from the Insurance Medical Practitioner by deduction from his remuneration or otherwise any expenses (other than expenses incurred in connection with an investigation by the Medical Service Committee) which have been reasonably and necessarily incurred by the Director of Health Services or by any insured person or any person acting on his behalf or on behalf of the family of a deceased insured person owing to the Insurance Medical Practitioner's failure or negligence in complying with the terms of service and any expenses so recovered shall, in the case of expenses incurred by the insured person or by any person acting on his behalf or on behalf of the family of a deceased insured person, be repaid to the insured person or other person by whom the expenses have been incurred;

(c) If the Director of Health Services is satisfied, on consideration of any report by the Medical Service Committee, that an Insurance Medical Practitioner has failed to comply with the terms of service applicable to him, he may withhold such amounts as he deems fit from the money payable as remuneration to the Insurance Medical Practitioner; or

(d) If the Director of Health Services is satisfied, on consideration of any report of the Medical Service Committee that the continuance on the medical list of the Insurance Medical Practitioner will be prejudicial to the efficiency of the service, he may remove the Insurance Medical Practitioner's name from the medical list:

Provided that before deciding to withhold any such amount or to remove the name of the Insurance Medical Practitioner from the list, the Director of Health Services shall afford to the Insurance Medical Practitioner concerned a reasonable opportunity of making representation to him on the matter.

Explanation.—In the rule "negligence" includes failure to exercise reasonable skill and care in the treatment of a patient, failure to visit or treat a patient when necessary, failure to supply any necessary medicine or dressing for the use of a patient or failure to discharge the obligation imposed on the Insurance Medical Practitioner to advise the patient as to the steps to be taken to obtain necessary treatment if the condition of the patient is such as to re-

quire treatment which is not within the scope of the Insurance Medical Practitioner's obligations under the terms of service.

26. Appeal.—If any party is aggrieved by any decision of the Director of Health Services under the rules in this Part, he may appeal to the Government within one month from the date of the receipt of the decision. The decision of the Government shall be final.

27. Investigation in cases of disputed prescriptions, record keeping and certification.—(1) Where it appears to the Administrative Medical Officer after due investigation that there is a prima facie case for considering that:

(a) an Insurance Medical Practitioner is not dispensing to the insured persons on his list such amounts of simple drugs and dressings as might ordinarily be expected to be reasonably necessary for the adequate treatment of those persons, or;

by reason of the character or quantity of the drugs or dressings ordered by the Insurance Medical Practitioner, the charge imposed upon the funds available for the provision of medical benefit is in excess of what was reasonably necessary for the adequate treatment of those persons, or

(b) an Insurance Medical Practitioner has failed to carry out his obligations under the terms of service so far as the obligations involved the recording of clinical data regarding his patients,

the Administrative Medical Officer may refer the matter to the Medical Service Committee.

(2) Where it appears to the Corporation after due investigation that there is a prima facie case for considering that an Insurance Medical Practitioner has failed to exercise reasonable care in the issue of medical certificate to insured persons on his list, or to persons for whose treatment he is responsible under these rules, the Corporation may refer the matter to the Medical Service Committee.

(3) Any reference to the Medical Service Committee under the preceding sub-rule shall be accompanied by a statement indicating the matters on which it appears to the Administrative Medical Officer or the Corporation, as the case may be, that an explanation is required.

(4) (a) The Medical Service Committee shall furnish the Insurance Medical Practitioner concerned with a copy of the said statement and shall afford him with reasonable opportunity of submitting to them a statement in writing and of appearing before and being heard by them.

(b) A copy of any such statement by the Insurance Medical Practitioner shall be forwarded to the Administrative Medical Officer or the Corporation for their observations and the Administrative Medical Officer or a representative or representatives of the Corporation, as the case may be, shall be entitled in the case of a hearing to attend and be heard by the Medical Service Committee.

(5) (a) After duly considering the case the Medical Service Committee shall draw up a report of their findings on the question whether there has been

a failure on the part of the Insurance Medical Practitioner to exercise due care or discretion in any of his proper functions referred to in the sub-rules (1) and (2) and, if so, what is the extent and gravity of the failure together with a recommendation as to the action, if any, which should be taken.

(b) The Medical Service Committee shall forward the report to the Director of Health Services and the Corporation and shall furnish the Insurance Medical Practitioner with a copy of the report.

(6) After the consideration of the findings and recommendations of the Medical Service Committee, the Director of Health Services shall, after consultation with the Corporation where the findings relate to investigation of certification, take action in accordance with sub-rule (2) of rule 25.

PART IV Miscellaneous

28. Delegation of powers. — The Government may delegate any of the powers or duties conferred or imposed upon it by these rules to such of its officers as it may, specify in this behalf.

29. Local Medical Committee. — The Insurance Medical Practitioners in any area may form a Local Medical Committee under these rules, and if they do so and give notice to the Director of Health Services of the formation of such a committee, he may recognise it for consultation in all matters relating to these rules if he is satisfied that the committee is representative of the Insurance Medical Practitioners of the area.

30. Conduct of insured persons receiving medical benefit. — An insured person in receipt of medical benefit shall comply with the following conditions, namely: —

(a) he shall, when applying to a practitioner for medical benefit, produce his identity card, if required to do so;

(b) he shall obey the instructions of the practitioner attending him;

(c) he shall not make unreasonable demands upon the professional services of the practitioner attending him;

(d) he shall not summon the practitioner to visit him between the hours 8 p. m. and 9 a. m., except in cases of emergency;

(e) he shall whenever his condition permits, attend at surgery, dispensary or other place of treatment of the practitioner on such days and at such hours as may be appointed by the practitioner;

(f) he shall, when his condition necessitates that the practitioner should visit him at his place of residence give notice to the practitioner, if the circumstances of the case permit, before 10 a. m. on the day on which the visit is required, or before such other hours as the Administrative Medical Officer determines for the area;

(g) he shall not claim a form of treatment not provided for in the Act or to which he is not entitled.

31. Power of the Government to suspend system. — The Government be at a liberty to suspend, after consultation with the Corporation, the panel system of medical benefit as a whole or in part if it is found that the system does not work properly or efficiently and shall give 3 months' notice to each Insurance Medical Practitioner from the date from which the suspension is to take effect, and may make such other arrangements as it may deem fit.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 10th April, 1975.

The Government of Goa, Daman and Diu is pleased to lay down the following Terms of Service for Insurance Medical Practitioners under proviso to sub-section (1) of section 58 of the Employees' State Insurance Act, 1948 (34 of 1948): —

Terms of Service for Insurance Medical Practitioners.

1. Incorporation of provisions of Rules, Regulations, etc. — (a) Any provisions of the Goa, Daman and Diu Employees' State Insurance (Medical Benefit) Rules, 1974, and hereinafter called the Rules affecting the rights and obligations of Insurance Medical Practitioners shall be deemed to form part of these terms of service.

(b) The Employees' State Insurance (General) Regulations, 1950, shall apply to Insurance Medical Practitioners as if they were Insurance Medical Officers appointed under these Regulations.

2. Participation of Medical Practitioners. — (1) Applications in prescribed form from the local medical practitioners shall be invited by advertisement for inclusion in the list (called the medical list) of Insurance Medical Practitioners who undertake to provide general medical service to insured persons under the Rules and in accordance with these terms of service.

(2) All such applications shall be made to the Administrative Medical Officer who shall refer them to the Allocation Committee.

(3) The applications for inclusion in the "Medical List" shall be granted by the Surgeon General on the recommendation of the Allocation Committee for the area.

3. Allocation Committee. — (1) An "Allocation Committee" shall be set up for each such area as may be considered appropriate by the Government and shall consist of —

(a) One representative of the Government as Chairman.

(b) One representative of the Corporation.

(c) One representative of the local medical profession.

(d) The Administrative Medical Officer, Employees' State Insurance Scheme Panaji — Member Secretary.

(2) The committee shall meet whenever necessary for the purpose of considering and determining applications made —

(a) before the appointed day by the Medical Practitioners for inclusion in the Medical list and

(b) on or after the appointed day for inclusion in any such list kept for any area.

(3) The committee shall consider each application in regard to the prescribed terms of service and in regard to such requirements to be fulfilled by the applicant as may be laid down by the Government from time to time. The committee shall submit its recommendations to the Surgeon General.

(4) (i) The term of office of the members of the Allocation Committee referred to in sub-paragraph (1) shall be 3 years commencing from the date on which their nomination is notified provided that the members of the Committee shall notwithstanding the expiry of the said period, continue to hold office until nomination of their successors is notified.

(ii) The members of the Allocation Committee referred to in sub-paragraph (1) (a) and (b) shall hold office during the pleasure of the State Government and the Corporation, respectively.

(iii) A member of the Allocation Committee may resign his office by giving notice in writing to the Government and the seat shall fall vacant on acceptance of the resignation.

(iv) A member of the Allocation Committee shall cease to be a member of the Committee if he fails to attend three consecutive meetings thereof provided that his membership may be restored by the State Government on its being satisfied as to the unavoidable nature of the circumstances which led to non-attendance.

(5) Non-official members of the Committee shall receive such fees or allowances as the Government may specify.

(6) (a) A separate Allocation Committee shall be set up for each such area as may be considered appropriate by the Government for consideration of applications from the Ayurvedic practitioners.

(b) The provisions of sub-paragraphs (1) to (6) of this paragraph shall apply mutadis mutandis to this Committee.

(7) There shall be appointed in the same manner as the members of the Allocation Committee a corresponding number of persons to act as deputies for the members and in the absence of members of the Committee such persons shall be entitled to act.

(8) The Allocation Committee shall discharge such duties and responsibilities as may be specified by the Government from time to time.

4. Admission to the Medical List. — (a) To be eligible for inclusion in the Medical List a practitioner shall be a person registered under the Directorate of Health Services, Panaji.

(b) While considering and determining applications, the Allocation Committee shall have regard to whether the practitioners —

(i) have their places of practice within a reasonable distance from or preferably within the areas where the insured persons reside;

(ii) have their places of residence near their places of practice;

(iii) have telephone if possible;

(iv) are physically fit;

(v) have separate waiting room accommodation for patients, consultation room and own dispensing arrangements.

5. Persons for whose treatment the Insurance Medical Practitioner is responsible. — (1) The persons for whose treatment an Insurance Medical Practitioner is responsible are: —

(a) all insured persons including the members of their families whom he has accepted or agreed to accept for inclusion in his list and who have not been notified to him by the Administrative Medical Officer as having ceased to be on his list;

(b) all insured persons including the members of their families who have been assigned to him and who have not been notified to him by the Administrative Medical Officer as having ceased to be on his list.

(c) any insured persons or members of their families who need treatment in case of accident or other emergency.

(2) An Insurance Medical Practitioner who is appointed under rule 13 of the Rules to undertake the treatment of person on the list of an Insurance Medical Practitioner, whose name ceases to be included in the medical list shall, for the period of his appointment, be responsible for the treatment of any person on that list.

(3) The acceptance of an insured person shall be signified by the signing of the Medical Acceptance Card by the Insurance Medical Practitioner and the sending of the card to the Administrative Medical Officer within such period as may be specified by the Administrative Medical Officer.

(4) Notwithstanding anything contained in this paragraph, an Insurance Medical Practitioner shall not be responsible under the terms of service for the treatment of a person in hospital admitted thereto for treatment unless he is a member of the staff of that hospital.

6. Right of an Insurance Medical Practitioner to have a patient removed from his list. — Subject to such conditions as may be imposed by the Administrative Medical Officer in this behalf an Insurance Medical Practitioner may have the name of any person removed from his list by giving notice at time to the Administrative Medical Officer stating the reason for such a request. The removal will become operative at the expiration of fourteen days from the receipt of such notice by the Administrative Medical Officer or upon the acceptance or assignment of an insured person to another Insurance Medical Practitioner whichever is earlier; provided that a notice given or, expiring during a spell of sickness or temporary disablement of an insured person shall take effect only fourteen days after the date when the insured person is fit to resume work.

7. Evidence of an insured person's or his family members' title to obtain treatment. — (1) An Insurance Medical Practitioner is entitled to require an insured person or a member of his family claiming

to be on his list and applying for treatment, regarding whose identity he has reasonable doubts, to produce his Identity Card.

(2) Where such insured person or member of his family, fails to produce his identity card, the Insurance Medical Practitioner shall give him any treatment necessary at that time (including the supply of any drugs or dressings which the practitioner would be required to supply to any person on his list) and direct him to produce his identity card or to furnish any other evidence as respects his identity when he visits next. Where such insured person or member of his family fails to produce his identity card or to furnish any other evidence as respects his identity as directed by the Insurance Medical Practitioner on his subsequent visit, the Insurance Medical Practitioner shall treat him on payment of reasonable fees for treatment (including drugs and dressings supplied), give him a receipt for the fees received and report the particulars of the case to the Administrative Medical Officer. In the case of an insured person, evidence from his employer that he is an insured person may be accepted as an evidence as respects his identity.

8. Range of Service. — (1) An Insurance Medical Practitioner is required to render to his patients all proper and necessary treatment. Such treatment includes the performance of, or the administration of anaesthetics or, assistance at an operation performed by and of the kind usually performed by a general medical practitioner, if administration of the anaesthetic or the rendering of such other assistance does not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess.

(2) An Insurance Medical Practitioner is required to arrange for the confinement of an insured woman and the wife of an insured person on his list either by himself or by another practitioner or by a registered midwife or trained dai, for which such separate fee, as the State Government may specify will be paid for the person who conducted the confinement.

(3) In the case of emergency including abnormal or difficulty maternity cases the Insurance Medical Practitioner is required to render whatever services may be necessary having regard to the circumstances in the best interest of the insured woman or as the case may be, the wife of an insured person.

(4) In determining whether a particular service is a service involving the application of special skill and experience, regard is to be had to the question whether services of the kind are or are not usually undertaken by general practitioners practising in the area in which the question arose.

(5) It shall be the duty of the Insurance Medical Practitioner to arrange for ante-natal and post-natal care to the expectant and nursing mothers, on his or her list.

(6) An Insurance Medical Practitioner shall provide to the insured persons and members of their families on his list vaccinations and inoculations and such other forms of preventive treatment and advice as may be necessary in the best interest of the such insured persons or, as the case may be, members of their families.

9. Duties of Insurance Medical Practitioners. —

(1) If the condition of the patient is such to require treatment or examination which is not within the scope of the Insurance Medical Practitioner's obligations under these terms of service, the Insurance Medical Practitioner shall inform the patient of the fact and shall take all necessary steps to enable him to receive such treatment or to have such examination made at such hospital or institution as has been notified for the purpose by the Administrative Medical Officer.

(2) While referring a case to a hospital the Insurance Medical Practitioner shall, if the condition of the patient so requires, arrange for his transport, by an ambulance or otherwise and, any expenses which the Insurance Medical Practitioner has to incur on such transport shall be reimbursed to him by the Administrative Medical Officer.

(3) Subject to the approval of the Administrative Medical Officer, the Insurance Medical Practitioner shall fix the time at which his clinic shall remain open for treatment of insured persons and members of their families. Notice of the time fixed shall be given in such manner as the Administrative Medical Officer may, from time to time, direct and shall be indicated on a notice board displayed prominently at the Insurance Medical Practitioner's clinic.

(4) An Insurance Medical Practitioner is required to provide proper and sufficient clinic and waiting-room accommodation for his patients, having regard to the circumstances of his practice.

(5) An Insurance Medical Practitioner, on receipt of a written request, shall at all reasonable times admit any officer of the Corporation duly authorised in this behalf or any person authorised for the purpose by the Government to any clinic or waiting-room for the purposes of inspecting the said clinic or waiting-room.

(6) When an insured person or a member of his family is unable to attend a clinic or the institution, the Insurance Medical Practitioner shall, on intimation being received, visit him at his residence if he is satisfied by interrogation or otherwise that the insured person or, as the case may be, the member of his family, cannot reasonably be expected to come to the clinic or the institution.

(7) An Insurance Medical Practitioner is required to issue to his patients free of charge any certificate reasonably required in respect of sickness, maternity, employment injury and death under the Employees' State Insurance Regulations, or as may be required from time to time by the Corporation or the Government.

(8) (i) An Insurance Medical Practitioner is required to issue free of charge all drugs and dressings as may be required for the proper treatment of the patients as far as possible in accordance with the State Insurance Medical Formulary: Provided that such drugs and dressings as may be notified by the Government shall be made available to the Insurance Medical Practitioner by the Government in such manner and subject to such conditions as it may from time to time specify.

(ii) The prescription shall be given to the patients with the medicines, if demanded.

(iii) In prescribing drug notified by the Government under sub-clause (i) the Insurance Medical

Practitioner shall comply with such conditions as the Government may from time to time specify.

(9) An Insurance Medical Practitioner is required —

(a) to keep such records as the Government may, from time to time, specify after consultations with the Corporation;

(b) to maintain a medical record in respect of each insured person and each member of his family on his list on the form laid down and supplied by the Government or the Corporation for the purpose and in accordance with the instructions issued by the Government or the Corporation in this behalf from time to time;

(c) to furnish returns in such terms as may be laid down by the Corporation or the Government;

(d) upon knowledge of the death of an insured person or a member of his family to forward the medical record to the Administrative Medical Officer within seven days.

10) An Insurance Medical Practitioner is required —

(a) to furnish in writing to the Medical Referee within such reasonable period as the latter may specify any clinical information which he may require with regard to any insured person or a member of his family to whom the Insurance Medical Practitioner has issued or declined to issue a medical certificate;

(b) to meet the Medical Referee, at his request for the purpose of examining in consultation any patient in respect of whom the Insurance Medical Practitioner has sought the advice of the Medical Referee;

(c) to afford to any person authorised by Government or by the Corporation the access at all reasonable times to the Insurance Medical Practitioner's clinic or other place where the records required by these terms of service are kept, for the purpose of the inspection of such records and to furnish to the Medical Referee such records or necessary information with regard to any entry therein, as he may request; and

(d) to answer any inquiries of any person authorised by the Government or by the Corporation with regard to any prescription or certificate issued by the Insurance Medical Practitioner or to any statement made in any report furnished by him under these terms of service.

10. Arrangements for practice. — An Insurance Medical Practitioner shall not carry on any Insurance Medical Practice elsewhere than at his place of residence, or at the clinic stated in his application, except upon conditions which appear to the Administrative Medical Officer or on appeal, to the Government, to be such as to enable his obligations under these terms of service, and in particular his obligation to visit his patients, to be adequately carried out. Any conditions so imposed may include a requirement that the insured persons on the list of the Insurance Medical Practitioner are to be notified at the Insurance Medical Practitioner's expense of any special arrangements under which his practice is carried on.

11. Acceptance of fees. — An Insurance Medical Practitioner shall not demand or accept any fee or other remuneration in respect of any medical treatment, whether under these terms of service or not, rendered to insured persons or members of their families, except as provided in paragraph 7(2).

12. Revision of terms of service. — (1) The Government may, after consultation with the Corporation, alter the terms of service from such date as may be approved by the Corporation by giving notice of the proposed alteration to each Insurance Medical Practitioner.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament, the Government shall, before making an alteration, consult the organisation or organisations which in their opinion is or are representative of the Insurance Medical Practitioners, and the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

13. Suspension of System. — (1) The Government shall be at liberty to suspend after consultation with the Corporation the Panel system of Medical benefit as a whole if it is found that the system does not work properly or efficiently and shall give three months' notice to each Insurance Medical Practitioner of the date from which the suspension is to take effect.

(2) The Government may have the name of any individual Insurance Medical Practitioner removed from the medical list after giving due notice of not less than three months to the Insurance Medical Practitioner, except in case of gross negligence and misconduct when the period of notice need be only one month.

14. Withdrawal from medical list. — An Insurance Medical Practitioner is entitled at any time to give notice to the Surgeon General that he desires to cease to be an Insurance Medical Practitioner and his name shall be removed from the medical list at the expiration of three months from the date of such notice or of such shorter period as the Surgeon General may agree:

Provided that if representations are made to the Government that the continued inclusion of a practitioner as an Insurance Medical Practitioner would be prejudicial to the efficiency of the Employees' State Insurance Scheme, he shall not, except with the consent of the Government and subject to such condition as the Government may propose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

15. Leave of absence to Insurance Medical Practitioners. — The Administrative Medical Officer may grant leave to an Insurance Medical Practitioner for a period not exceeding three months at a time and the Surgeon General for a period not exceeding six months at a time. All cases of leave for a period exceeding six months shall be submitted by the Administrative Medical Officer to the Government for orders.

16. Casual absence of an Insurance Medical Practitioner. — An Insurance Medical Practitioner shall make all necessary arrangements for securing the

treatment of his patients where he is unable for any cause, e. g., temporary absence from home or other reasonable cause to give treatment personally and shall inform the Administrative Medical Officer, Regional Office of the Corporation, Medical Referee and the Local Office of the Corporation, of any standing arrangements for that purpose and he shall not absent himself from his practice for more than one week without first informing the Administrative Medical Officer of his proposed absence and of the person or persons responsible for conducting his practice during such absence.

17. Continued absence or disability of an Insurance Medical Practitioner. — Where the Surgeon General is satisfied that owing to the continued absence or bodily or mental disability of an Insurance Medical Practitioner his obligation under the terms of service are not being adequately carried out, he may give notice to the persons on his list that the Insurance Medical Practitioner is for the time being, in his opinion, not in a position to carry out his obligations under the terms of service.

18. Liability of Insurance Medical Practitioner. — The Insurance Medical Practitioner shall be liable for any compensation for injury or damage suffered by an insured person or a member of his family as a result of negligence on the part of the Insurance Medical Practitioner.

19. Disputes, etc. — The terms of service relating to the following matters are contained in rules 20 and 24 of the Goa, Daman and Diu Employees' State Insurance (Medical Benefit) Rules, 1974.

(a) The investigation of questions arising between Insurance Medical Practitioners and their patients and other investigations to be made by the Medical Service Committee and the action which may be taken by the Surgeon General, as the result of such including the withholding of remuneration from the Insurance Medical Practitioner where there has been a breach of the terms of service;

(b) The investigation in respect of prescribing;

(c) The investigation of certification;

(d) The investigation of record keeping;

20. Issue of notices to Insurance Medical Practitioners. — Any notice which the Government or the Administrative Medical Officer or the Surgeon General is required or authorised by these terms of service to give to an Insurance Medical Practitioner shall be sufficiently given if it has been delivered to him or sent by post to him at the address which he has last notified to the Surgeon General as being his place of residence. Notices in case of disciplinary action or damages shall be sent by Registered Post.

21. Remuneration of Insurance Medical Practitioners. — (1) The rate of payment for an Insurance Medical Practitioner shall be fixed by the Government after consultation with the Corporation. Payment shall be made according to the number of insured persons and members of their families on his list at the beginning of the quarter to which it relates; provided that no Insurance Medical Practitioner shall have more than 750 family units each

consisting of an insured person and members of his family.

(2) Notwithstanding anything in sub-paragraph (1), where an insurance Medical Practitioner resigns or dies at any time before the end of any quarter, proportionate payment shall be made for the days on which he provided medical service to the insured persons.

(3) The payment shall be made, within one month of the end of the quarter to which it relates.

(4) The capitation fee shall be deemed to include remuneration for —

(i) such medical treatment attendance, etc., as the Insurance Medical Practitioner is required to provide;

(ii) maintenance of such surgical and diagnostic instruments as may be laid down for the purpose;

(iii) such medicines as are included in the list of special medicines and which are used in emergency;

(iv) use of doctor's clinic, telephone, staff, etc.;

(v) payment in respect of conveyance for domiciliary visits; and

(vi) payment in respect of the supply of drugs and dressings [not including such drugs and dressings as may, under the provisions of paragraph 9(8) be made available by the Government] and maintenance of such supply of proper and sufficient medicines and dressings as may be specified.

Form of application for use of candidates for inclusion in medical list as insurance medical practitioner under the employees' state insurance schemes (Government of Goa, Daman and Diu)

1. Name in full (in block letters) ...
2. Date and place of birth ...
3. Next of kin ...
4. (a) Married or single ...
(b) Sex ...
5. Basic Medical qualifications and other post-graduate qualifications ...

University or Examining Boards	Particulars of qualifications	Date of qualifications
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6. (a) Are you registered, if so, state registration number ...
(b) Whether member of any Medical Association, if so, give particulars ...
7. Full residential address ...

8. Full address of dispensary/
/clinic (including muni-
cipal Wards) ...
9. Distance between residence
and dispensary/clinic ...
10. Date from which practising
in the locality ...
11. Accommodation in dispen-
sary/clinic ...

Serial Number of rooms	Area in Square Feet	Used for
---------------------------	------------------------	----------

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

12. Have you

- (1) a separate consulta-
tion room? ...
- (2) space where patients
can wait under cover? ...
- (3) your own dispensing
arrangements? ...

13. Dispensary/clinic hours

Morning	Evening
---------	---------

14. For how many hours do
you attend at the dis-
pensary/clinic yourself?

Designation	Full time
-------------	-----------

15. What ancillary staff do you
employ in dispensary/
/clinic?

Compounder
Clerk
Attendant
Partner or Assistant

16. What hours would you like
to fix for attendance of
insured persons in your
Dispensary?

Morning	Evening
---------	---------

17. (a) Are you employed in
any part-time work?

- (b) If so, state hours spent
daily in such appoint-
ments ...

18. Is a conveyance maintain-
ed? If so, state nature19. Have you a telephone/te-
lephones? If so, state
number/s

Dispensary/Clinic/ /Residence

20. Previous dismissal or dici-
plinary action, if any, by
the Registration Council21. If selected on the Medical
List how many insured
persons are you prepared
to have on your list

I have read and understood the terms of service and agree
to abide by them if included in the Medical List.

Designation ...

Signature

For Official use

Recommendation of the Allocation Committee:

Chairman,

Allocation Committee, Panaji

Date ...

Approval of the Commissioner Labour and Employment:

Commissioner Labour and Employment with the Govern-
ment of Goa, Daman and Diu, Panaji.

Date ...

By order and in the name of the Lt. Governor
of Goa, Daman and Diu.P. Noronha, Under Secretary, Industries and
Labour.

Panaji, 10th April, 1975.

Notification

LC/12/ESI/73-74/354

The following draft rules which the Government
of Goa, Daman and Diu, proposes to make after con-
sultation with the Employees State Insurance Cor-
poration under Section 96 of the Employees State
Insurance Act, 1948 (Act No. 34 of 1948) is hereby
published for information of the persons likely to
be affected thereby and notice is hereby given that
the said draft rules will be taken into consideration
by the Government on the expiry of 30 days from
the date of publication in the Official Gazette.

All objections and suggestion if any, may be sent
to the Secretary, Government of Goa, Daman and
Diu, Labour and Information Department, Secre-
tariat, Panaji, within 30 days of the publication of
this Notification so that they may be taken into con-
sideration at the time of finalization of the rules.

DRAFT RULES

In exercise of the powers conferred, by clauses (a)
to (c) of sub-section (1) of Section 96 of the Em-
ployees State Insurance Act, 1948 (Act No. 34 of
1948) the Lt. Governor of Goa, Daman and Diu, after
consultation with the Employees State Insurance
Corporation hereby makes the following rules,
namely: —

CHAPTER I

Employees' Insurance Courts

1. Short title, extent and commencement. — (1)
These Rules may be called the Goa, Daman and Diu
Employee's Insurance Court Rules, 1975.

(2) They extend to the whole of the Union terri-
tory of Goa, Daman and Diu.

(3) They shall come into force with immediate
effect.

I ... a candidate for inclusion in the 'Medical List' as an
Insurance Medical Practitioner under the Employees' State
Insurance Scheme (Government of Goa, Daman and Diu),
declare that the particulars given above are true and correct
to the best of my knowledge and belief.

2. Definitions. — In these rules, unless the context requires, otherwise —

(a) "Act" means the Employees' State Insurance Act, 1948 (XXXIV of 1948);

(b) "Court" means an Employees' Insurance Court constituted under Section 74;

(c) "Form" means a form appended to these rules;

(d) "Section" means section of the Act;

(e) "Government" means the Government of Goa, Daman and Diu;

(f) "Union territory" means the Union territory of Goa, Daman and Diu;

(g) All other words and expressions used herein and not defined shall have the meanings respectively assigned to them by the Act,

Constitution of Courts

3. Composition of the Court and place of sitting. —

(1) A court shall ordinarily consist of one Judge:

Provided that the Government may, after consultation with the Corporation, by notification in the Official Gazette appoint two or more Judges to a Court for any particular proceeding or class of proceedings and for such period as may be specified in the notification.

(2) Subject to the provisions of rule 6, a Court shall sit at such place or places and at such time as the Government may, after consultation with the Corporation, from time to time, specify.

4. Constitution of the Presiding Officer of Civil or Criminal Court as a Court. — The Government may constitute the Presiding Officer of any Civil or Criminal Court in the Union territory as a Court for the purpose of the Act and such Presiding Officer shall thereupon discharge the function of the Court in addition to his own duties.

5. Distribution of business where there are more Courts than one. — Where more than one Court is constituted for the same local area, the Government may, after consultation with the Corporation by a general or special order, distribute business among them.

6. Fixing of time of sitting, etc., where there is one Court for two or more local areas. — (1) Where one Court is constituted for two or more local areas, the Court shall, subject to the approval of the Government, appoint the time at which the Court shall sit in respect of each local area or in respect of any class of proceedings under the Act.

(2) A notice of the time appointed under sub-rule (1) shall be published in such manner as the Government may, from time to time, direct.

7. Procedure where there are more Judges than one. — (1) Where more than one Judge has been appointed to a Court, the Government shall specify their rank and precedence.

(2) The senior Judge for the time being shall, from time to time, make such arrangements, as he thinks fit for the distribution of business of the Court among the Judges thereof.

(3) When two or more Judges, sitting together, differ on any question, the opinion of the majority of such Judges shall prevail; where there is no majority, the opinion of the senior most Judge shall unless the Government otherwise directs prevail.

8. Abolition, etc., of a Court. — The Government may, with the consent of the Corporation by notification in the Official Gazette abolish any Court or by a like notification alter the jurisdiction of any Court.

Conditions of Service of Judges, etc.

9. Appointment, salaries, allowances etc. — (1) The Government may appoint a person qualified under section 74 of the Act to be a Judge of a Court.

(2) A Judge shall receive such salary and allowances as the Government may, after consultation with the Central Government, from time to time, determine.

(3) A Judge shall receive dearness allowance, compensatory (city) allowance, house-rent and other allowances, at such rates and subject to such conditions as are applicable to officers of the Government of a corresponding rank stationed at the same place. A Judge shall be entitled to leave and leave salary under the leave rules which may from time to time be applicable to other Government servants of similar status and drawing similar emoluments.

(4) A Judge shall be entitled to travelling allowance for journeys performed on official business in accordance with the scale applicable to the class of officers to which in the opinion of the Government such Judge belongs.

(5) A Judge shall be subject to such other conditions of service, as the Government may, after consultation with the Central Government determine.

(6) Notwithstanding anything contained in sub-rules (2) to (5) the pay, allowances and other conditions of service of a judge, if he is a person already in the service of the Government, shall be such as the State Government may with the approval of the Central Government, by a general or special order, from time to time, determine.

(7) Where the Government confers the powers of a Court on the Presiding Officer of a Civil or Criminal Court, the Presiding Officer may be paid such additional allowance as the Government may, after consultation with the Central Government, determine.

10. Appointment of other officers and subordinate staff. — (1) The Government may, with the consent of the Corporation, appoint such ministerial officers and other subordinate staff as may be necessary for the exercise and performance of the powers and duties conferred and imposed on a Court by or under the Act.

(2) The ministerial officers and the subordinate staff of a Court shall exercise such powers and discharge such duties as the Judge, or if there are more Judges than one, the senior Judge, may, subject to any order of the Government, from time to time, direct.

(3) The ministerial officers, and subordinate staff of a Court shall be subject to such conditions of ser-

vice and draw such salaries and other emoluments and receive such benefits as may be fixed by the Government after consultation with the Central Government.

Administrative Control and Court Seal

11. Administrative control of the High Court. — A Court shall be subject to the Administrative control and superintendence of the Judicial Commissioner's Court/High Court, and shall —

(a) keep such registers, books and accounts as the Judicial Commissioner's Court/High Court may, from time to time, prescribe; and

(b) comply with such requisitions as may be made by the Judicial Commissioner's Court/High Court or the Government for submission of service records, returns and statements, in such forms and in such manner as the authority making the requisition directs.

12. Seal. — A Court shall keep a seal of such size, dimensions and design as the Government may direct.

CHAPTER II

Procedure and Execution of Orders

13. Application. — (1) Every proceeding under section 75 shall be instituted by the presentation of an application to the Court.

(2) Every such application shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.

(3) An application under section 77 shall be presented in Form I shall be duly stamped in accordance with these rules, and shall contain the following particulars: —

(i) the name of the Court in which the application is brought;

(ii) the full name including the father's name, description including age, occupation and place of residence of the applicant;

(iii) the full name including the father's name, description including age, occupation and place of residence of the opposite party so far as they can be ascertained;

(iv) where the applicant or the opposite party is a minor or a person of unsound mind a statement to that effect and the full name, age, occupation and address of his or her next friend or guardian;

(v) the facts constituting the cause of action and the date when it arose;

(vi) the facts showing that the court has jurisdiction;

(vii) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and

(viii) the relief which the applicant claims.

(4) The Court may summarily reject an application if it is not in accordance with sub-rule (3).

14. Production of documents. — (1) When any application 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 permission of the Court, be admissible in evidence on behalf of the party who should have produced it.

(4) All such documents shall be accompanied by an accurate list thereof prepared in the manner prescribed in Form 2.

(5) Nothing in this rule shall apply to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

15. Register of applications. — All applications shall be entered in a Register in Form 3 called the Register of Proceedings. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.

16. Place of suing. — In cases not falling under Sub-section (1) of Section 76, a proceedings against any person shall be instituted in the Court within the local limits of whose jurisdiction —

(a) the opposite party or each of the opposite parties where there are more than one, at the time of commencement of the proceedings, actually and voluntarily reside, or carries on business, or personally works for gain; or

(b) any of the opposite parties, where there are more than one, at the time of the commencement of the proceedings actually and voluntarily resides, or carries on business, personally works for gain, provided that in such case either the leave of the Court is given, or the opposite parties who do not reside, or carry on business or personally work for gain, as aforesaid, acquiesce in such institution; or

(c) the cause of action, wholly or in part, arose.

17. Limitation. — The provisions of Parts II and III of the Indian Limitation Act, 1908 (IX of 1908), shall so far as may be applied to every such application.

18. Application presented to wrong Court. — (1) Where on receiving an application it appears to the Court that it should be presented to another Court, it shall return it to the applicant after endorsing upon it the dates of the presentation and return, the reason for returning it and the name of the Court to which it should be presented.

(2) Where it appears to the Court at any stage subsequent to the presentation of an application, that the application should have been presented to another Court in the same Union territory, the first mentioned Court shall send the application to the Court 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 19), accordingly.

(3) The Court to which an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceeding or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.

19. Issue of Summons.— (1) On receiving an application, the Court shall, ordinarily within three days thereof, cause to be sent to the party from whom the applicant claims relief (hereinafter referred to as the "Opposite party"), a summons in Form 4 or Form 5, as the case may be, to appear and answer the application on a day, not later than fifteen days from the date of issue of such summons:

Provided that no such summons shall be issued when the opposite party has appeared at the presentation of the application and admitted the applicant's claim.

(2) A copy of the application shall also be sent along with the summons under sub-rule (1).

20. Service of Summons or notice.— (1) A summons or notice may, on payment of the required fee, be sent by the Court by which it is issued, either by registered post or in such other manner as the Court think fit.

(2) Where the Court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reason the summons or the notice cannot be served in the ordinary way, the Court shall order the summons or the notice to be reserved by affixing a copy thereof in some conspicuous place in the Court house, and also upon some conspicuous part of the house in which the opposite party is known to have last resided or carried on business or personally worked for gain or in such other manner as the Court thinks fit and such service shall be as effectual as if it had been made on the opposite party personally.

(3) Where a summons or notice is served under sub-rule (2), the Court shall fix such time for the appearance of the opposite party as the circumstances of the case may require.

21. Additional matters in the Summons.— The Court shall determine at the time of issuing the summons, whether it shall be for the settlement of the issues only and/or for the final disposal of the applications, and the summons shall contain a direction accordingly; the Court may also call upon the parties to produce upon that date any evidence which they wish to tender.

22. Written statement.— (1) The opposite party may, and, if so required by the Court, shall at or before the first hearing or within such time as the Court may permit, present a written statement of his defence along with the documents on which he relies and an accurate list thereof in Form No. 2.

(2) Every such written statement shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.

(3) In every written statement submitted under sub-rule (1) the opposite party shall deal specifically with each obligation of fact alleged by the applicant, of which he admits or does not admit or denies the truth. The written statement must also contain all matters which show that the application is not maintainable and all such grounds of defence as, if not raised, would be likely to take the applicant by surprise or would raise issues of fact not arising out of the application as for instance, fraud, undue influence or coercion, release, payment performance or facts showing illegality of the transaction.

23. Failure to present written statement called for by the Court.— Where any party from whom a written statement is required fails to present the same within the time prescribed by the Court, the Court may pronounce judgement against it or make such order in relation to the proceeding as it thinks fit.

24. Framing of issues.— (1) At the first hearing of the application, after the summons is served the Court shall, after considering the application and the written statement, if any, or after such examination of the parties or any persons or any document as may appear necessary, ascertain upon what material proposition 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 appears to depend.

(2) In recording the issues, the Court shall distinguish between those issues which in its opinion concerns points of fact and those which concern points of law.

(3) The Court may, in like manner, at any time before passing its final order add to, strike out from or in any way amend the issues on such terms as it may think fit.

25. Order where parties are not at issue.— Where at any hearing of the case it appears that the parties are not at issue on any question of law or of fact the Court may at once pronounce its final order.

26. Appearance of parties and consequences of non-appearance.— On the day fixed in the summons for the opposite party to appear and answer, the parties shall be in attendance at the Court in person or by their respective legal practitioners or any other person authorised under section 79 and the application shall then be heard unless the hearing is adjourned by the Court.

(2) When neither party appears when the application is called on for hearing, the Court may make, an order that the application be dismissed.

(3) Where the opposite party appears and the applicant does not appear when the application is called on for hearing the Court shall make an order that the application be dismissed unless the opposite party admits the claim or part thereof in which case the Court shall make an order against the opposite party upon such admission and where part only of the claim has been admitted, it shall dismiss the case so far as it relates to the remainder.

(4) Where the applicant appears and the opposite party receiving the summons fails to appear when the application is called on for hearing, the Court may proceed ex-parte.

(5) Where the application is wholly or partly dismissed under sub-rule (2) or (3), the applicant may within thirty days of such dismissal apply in Form 6 for an order to set the dismissal aside and the Court shall, if it is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit and may proceed with the case or appoint a day for proceeding with the same:

Provided that no order under this sub-rule shall be made in respect of an application which is dismissed under sub-rule (3) unless notice of the application has been served in Form 7 on the opposite party.

(6) In any application in which an ex-parte order has been passed against the opposite party, he may within thirty days from the date of such order apply in Form 6 to the Court which passed the order, to set it aside and if the Court is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause, it shall after serving notice thereof to the applicant in Form 7 make an order setting aside the order upon such terms as to costs or otherwise as it thinks fit and may proceed with the hearing of the case or appoint a day for proceeding with the same.

27. Summoning of witnesses.— (1) At any time after the framing of the issues, the Court may call upon the parties to produce their evidence in support of the issues.

(2) The Court may, on the application of either party, issue a summons in Form 8 to any witness directing him to attend or to produce any document.

(3) The Court may, before summoning any witness on application under sub-rule (2), require that his reasonable expenses to be incurred in attending the Court, be deposited with it.

28. Grant of time and adjournment of hearing.—

(1) The Court may, if sufficient cause is shown, at any stage of the application grant time to the parties or to any of them, and may, from time to time adjourn the hearing of the application.

(2) In every such adjournment the Court shall fix a day not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

Provided that when the hearing of the evidence has once begun, the hearing of the application shall be, continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

29. Right to begin proceeding.— The applicant has the right to begin unless the opposite party admits the fact alleged by the applicant and contends that either in point of law or on some additional facts alleged by the opposite party, the applicant is not entitled to the relief which he seeks, in which case the opposite party has the right to begin.

30. Statement and production of evidence.— (1) On the day fixed for the hearing of the application or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

(2) The other party shall then state his case and produce his evidence (if any) and may then address the Court generally on the whole case.

(3) The party beginning may then reply generally on the whole case.

31. Method of recording evidence.— The evidence of each witness shall be taken down in writing by the Judge or where there is more than one Judge, by the junior Judge in the language of the Court, not ordinarily in the form of question and answer, but in that of a narrative, and when completed, shall be read over or translated, where necessary, in the presence of such Judge to the witness, and such Judge shall, if necessary, correct the same and sign it.

32. Recall of a witness.— The Court may at any stage of a proceeding recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.

33. Inspection of Court.— The Court may at any stage of a proceeding inspect any property or thing concerning which any question may arise.

34. Pronouncement of order.— The Court, after the application has been heard, shall pronounce its final order in open Court, either at once or on some future day, of which due notice shall be given to the parties.

35. Signing of order.— The final order shall be dated and signed in open Court at the time of pronouncing it and, whence once signed, shall not afterwards be altered or added to, save in the case of clerical or arithmetical mistake arising from any accidental slip or omission.

36. Statement of decision on each issue.— In cases in which issues have been framed, the Court shall state its finding or decision, with the reason therefore, upon each separate issue, unless the finding upon any one or more of the issues is sufficient for the decision of the case.

37. Compromise of suit.— Where it is proved to the satisfaction of the Court that a case has been adjusted wholly or in part by any lawful agreement or compromise, or where the opposite party satisfies the applicant in respect of the whole or any part of the subject matter of the case, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a final order in accordance therewith so far as it relates to the case.

38. Finality of Order.— Save as provided in section 82, the order of a Court shall be final and binding upon the parties.

Costs, Decree, etc.

39. Costs.— (1) The costs of and incidental to the application shall be in the discretion of the Court, and the Court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purpose aforesaid. The fact that the Court has no jurisdiction to try the case shall be no bar to the exercise of such powers.

(2) Where the Court directs that any cost shall not follow the event, the Court shall state its reasons in writing.

40. Contents of the decree.— (1) A decree in Form 9 shall be prepared in conformity with the

order made by the Court; it shall contain the number of the application, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the proceeding.

(2) The decree shall also state the amount of costs incurred in the proceeding and by whom and in what proportions such costs are to be paid.

(3) The Court may direct that the costs payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.

41. Certified copies of order, decree, etc., to be furnished.— (1) Certified copies of the final order, decree or any other order or matter on record shall be furnished to the parties on application to the Court and at their expense.

(2) If any party requires copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, to be supplied to him within forty-eight hours of the submission of an application therefore to the Court, he shall pay an additional fee of two rupees for each such copy.

(3) If any party applies for copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, after the expiry of twelve months from the date of such making or furnishing, as the case may be, he shall pay an additional searching fee of two rupees.

Execution

42. Execution.— (1) Any person in whose favour an order had been passed shall, within one year from the date of the order, apply in Form 10 to the Court which made the order for its execution.

(2) On such application being made, the Court shall send the same together with the necessary record to a Civil Court, of competent jurisdiction, for the execution and such Civil Court shall have the same power in executing such order as if it has been passed by it.

43. Communication of fact of execution or otherwise.— The Civil Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution or where that Court fails to execute the same and the circumstances attending such failure.

CHAPTER III

Fees and Costs

44. Fees.— (1) The fee payable on an application in respect of any matter referred to in section 75 shall be two rupees.

(2) Subject to the provisions hereafter mentioned in this rule, the fee payable in respect of any other application except a written statement called for by the Court under these rules shall be fifty paise:

Provided that the fee for an application for obtaining a copy or translation of any document or record or statement, order or decree presented to or

made before or by the Court, as the case may be, shall be ten paise.

(3) The fee for copies of any document on record, or statement or order or decree shall be such as may from time to time be determined by the Government after consultation with the Central Government.

(4) The fee for any authorisation for the appearance of any person under section 79 on behalf of any of the parties in a case shall be one rupee.

(5) The fee for filing certified copies of any document in a Court shall be fifty paise.

(6) All fees referred to in this rule and rule 41 shall be collected by means of court fee stamps used in ordinary Courts and no document which ought to bear stamp under these rules shall be of any validity unless and until it is properly stamped:

Provided that where any such document is through mistake or inadvertence, received, filed or used in a Court without being properly stamped, the Court may, if it thinks fit, order that such document be stamped as it may direct and on such document being stamped accordingly the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

(7) No document requiring a stamp under this rule shall be acted upon in any proceeding in a Court until the stamp has been cancelled.

45. Payment of costs of services of summons, etc.—

(1) The cost of service of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in the preceding rule shall be such amount as may be specified in each case by the Court, and such amount or any other sum of money payable under these rules shall be paid in such manner and within such time as it may specify therefor.

(2) Any amount which is left over after meeting the expenses, if any, for which it was intended, shall be returned by the Court to the party by whom or on whose behalf the amount was originally paid to the Court.

(3) The Court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

46. Fees and costs of poor persons.— The Court may, whenever it thinks fit, receive and register proceedings instituted under the Act and applications made under these rules, by persons who are paupers, and may issue summons or notices on behalf of such persons, without payment or on a part payment of the fees and costs mentioned in rules 44 and 35.

CHAPTER IV

Miscellaneous

47. Provisions in the Code of Civil Procedure, 1908 (V of 1908) etc., to apply.— In respect of matters relating to procedure or admission of evidence for which no specific provision is made in these rules, the provisions of the Code of Civil Procedure, 1908 (V of 1908), including the Rules made thereunder and the Indian Evidence Act, 1872 (I of 1872), shall, so far as may be, apply to proceedings under the Act.

FORM 1

(Rule 13)

In the Employees' Insurance Court at ... A. B. (add description and residence) ... Applicant;
against
C. D. (add description and residence) ... Opposite Party.
Other particulars of the application specified in rule 13 ...

Date ...

Signature of the applicant

(Verification by the applicant)

The statement of facts contained in this application is to the best of my knowledge and belief true and correct.

Signature

Date ...

FORM 2

(Rules 14 and 22)

List of documents produced by applicant
opposite party

(Title) e.g. Description, subject, name of the Court, No.

No.	Description of document	Date if any which the document bear	Signature of party or pleader or any authorised representatives
1		2	3
			4

FORM 3

Register of Proceedings (Rule 15)

Employee's Insurance Court at ...

Register of Proceedings in the year 19 ...

Date of presentation of application	No. of proceedings	Applicant			Opposite party			Claim		Appearance		Final order		Appeal		Execution			Other remarks, if any		
		Name	Description	Place of residence	Name	Description	Place of residence	Particulars	Amount of value if any	When the cause of action accrued	Day for parties to appear	Applicant	Opposite party	Date	For whom	For what, or amount	Date of decision of appeal, if any	Judgement in appeal		Date of application	Against whom

FORM 4

(Rule 19)

Summons for disposal of proceedings

(Title)

To

(Name, description and place of residence).

Whereas ... has instituted proceedings against you for ... you are hereby summoned to appear in this Court in person or by authorised agent duly instructed and able to answer all material questions relating to the case, or who shall be accompanied by some person able to answer all such questions at ... O'clock in the ... noon on the ... day of ... 19 ... to answer the claim, and as the day fixed for your appearance is appointed for the final disposal of the proceedings, you must be prepared to produce on that day all the witnesses

upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the case will be heard and determined in your absence.

Given under my hand and the seal of the Court, this ... day of ... 19 ...

Court.

Notice: — 1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call on the witness to produce, on the applying to the Court and on depositing the necessary expenses.

2. If you admit the claim. You should pay the money into Court together with the costs of the proceedings to avoid execution of the decree, which, may be against your person or property or both.

FORM 5

(Rule 19)

Summons for settlement of Issues

To

(Name, Description and Place of residence).

Whereas ... has instituted proceedings against you for ... you are hereby summoned to appear in the Court in person, or by an authorised agent duly instructed and able to answer all material questions relating to the proceedings or who shall be accompanied by some person able to answer such question at ... O'clock in the ... noon. On the ... day of ... 19 ... to answer the claim and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that in default of your appearance on the day before mentioned, the case will be heard and determined in your absence.

Given under my hand and the seal of the Court, this ... day of ... 19 ...

Court.

Notice: — 1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness and the production of any document that you have a right to call on the witness to produce, on applying to the Court and on depositing the necessary expenses.
2. If you admit the claim. You should pay the money into Court together with the cost of the suit, to avoid execution of the decree which may be against your person or property or both.

FORM 6

(Rule 26)

(Title)

Subject: — Application for setting aside Ex-parte order. The ... above named states as follows: —

(The grounds of application should be stated).

Date ...

Signature of the applicant
...

Verification by the applicant.

The statement of facts contained in the application is to the best of my knowledge and belief true and correct.

Date ...

Signature

Place ...

FORM 7

(Rule 26)

General Form

(Title)

To

Whereas the above named ... has made application on this Court that ... You are hereby warned to appear in this Court in person or by a pleader only instructed at ... O'clock in the ... noon, on the ... day of ... 19 ... to show cause against the application failing wherein, the said application will be heard and determined ex-parte.

Given under my hand and seal of the Court, this ... day of ... 19 ...

Court

FORM 8

(Rule 27)

Summons to Witness

(Title)

To

Whereas your attendance is required to ... on behalf of the ... in the above proceedings, you are hereby required (Personally) to appear before this Court on the ... day of ... 19 ... at ... O'clock in the morning, and to bring with you (or to send to this ... Court ...

A sum of Rs. ... being your travelling and other expenses and subsistence allowance for one day, is deposited with this Court and will be tendered to you on the day you appear before the Court. If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908 (V of 1908).

Given under my hand and seal of the Court, this ... day of ... 19 ...

Court

Notice: — If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

If you are detained beyond the day aforesaid, a sum of Rs. ... will be tendered to you for each day's attendance beyond the day specified.

FORM 9

(Rule 40)

Decree in case

(Title)

Claim for

This case coming on this day for final disposal before ... in the presence of ... for the applicant and of ... for the opposite party, it is ordered and decreed that ... and that the sum of Rs. ... be paid by the ... to the ... on account of the costs of this suit, with interest thereon at the rate of ... per cent. per annum from this date to the date of realisation.

Given under my hand and the seal of the Court, this ... day of ... 19 ...

Court.

Cost of Suit

Rs. a. p. Rs. a. p.

- | | |
|--------------------------------------|-------------------------------------|
| 1. Stamp for applica-
tion | Stamp for power |
| 2. Stamp for Power | Stamp for written
Statement |
| 3. Stamp for exhibits | Pleader's fee |
| 4. Pleader's fee | Subsistence for
witnesses |
| 5. Subsistence for
witnesses | Service of sum-
mons and notices |
| 6. Commissioner's fee | |
| 7. Service of summons
and notices | Commissioner's fee |

Total ...

Total ...

FORM 10

(Rule 42)

Application for the execution of a decree

In the Court of ... decree-holder, hereby apply for execution of the decree herein below set forth:—

Number of proceedings	Name/s of party/ies	Date of decree	Whether any appeal preferred from decree	Payment or adjustment made, if any	Previous application, if any, with date and result	Amount with interest due upon the decree or other relief granted thereby together with particulars of any cross decree	Amount of costs, if any, awarded	Against whom to be executed	Mode in which the assistance of the Court is required
1	2	3	4	5	6	7	8	9	10
III of 1949	A. B. — Applicant C. D. — Opposite party	November 11th, 1949	No	None	Rs. 72-4-0 recorded on application dated the 9th April, 1949	Rs. 314-8-2 principal X (interest at 6% per annum from date of order till payment)	As awarded in the decree ... Rs. a. p. Subsequently incurred ... Total ...	Against the opposite party C. D.	<p>(When attachment and sale of movable property is sought.).</p> <p>I pray that the total amount of Rs. ... (together with interest on the principal sum up to date of payment) and the costs of taking out this execution, be realised by attachment and sale of the opposite party's movable property as per annexed list and paid to me.</p> <p>(When attachment and sale of immovable property is sought.).</p> <p>I pray that the total amount of Rs. ... (together with interest on the principal sum up to date of payment) and the costs of taking out this execution, be realised by attachment and sale of the opposite party's immovable property specified at the foot of this application and paid to me.</p>

I, ... declare that what is stated herein is true to the best of my knowledge and belief.

Dated the ... day of ... 19 ...

Signed ...

Decree Holder

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

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