

Rules under:-

The Inland Vessels Act, 1917 (Central Act 1 of 1917)

The Goa, Daman and Diu Inland Vessels Accident Claims Tribunal Rules, 1981; (Published in the Official Gazette, Series I No. 9 dated 28-5-1981).

Arrangement of Rules

Rule No.	Title
1.	Short title, extent and commencement
2.	Definitions
3.	Procedure regarding compensation arising out of accidents
4.	Fees
5.	Experts
6.	Exercise of Powers by Claims Tribunal
7.	Examination of applicant
8.	Summary dismissal of application
9.	Notice to opposite party
10.	Appearance and examination of opposite party
11.	Framing of issues
12.	Determination of issue
13.	Method of recording evidence
14.	Local Inspection
15.	Power of Summary examination
16.	Diary
17.	Reasons for postponement to be recorded
18.	Judgment and award of compensation
19.	Summoning of witness
20.	Appearance of legal practitioner
21.	Receipt for compensation
22.	Code of Civil Procedure to apply in certain cases
23.	Savings
24.	Form of appeal and contents of memorandum

GOVERNMENT OF GOA, DAMAN AND DIU

Industries and labour Department

Notification\

1/108/SO-ILD

Whereas certain draft rules which the Government of Goa, Daman and Diu proposes to make in exercise of the powers conferred by section 67 read with section 54/C of the Inland Vessels Act, 1917 (Central Act 1 of 1917), and all other powers enabling it in this behalf, were published at pages 325 to 328 of the Official Gazette Series I, No. 34, dated 20-11-80, under the Notification of Industries and Labour Department, Government of Goa, Daman and Diu, No. 1/108/80-ILD, dated 13-11-80 inviting objections and suggestions from the persons likely to be affected thereby within 30 days from the date of its publication in the Official Gazette;

And whereas the said Gazette was made available to the public on 20-11-1980;

And whereas no objections and suggestions are received from the public on the said draft;

Now, therefore, in exercise of the powers conferred by section 67 read with section 54/C of the Inland Vessels Act 1917 (Central Act 1 of 1917), and all other powers enabling it in this behalf, the Government of Goa, Daman and Diu hereby makes the following rules, namely:-

1. Short title, extent and commencement.— (1) 'These rules may be called the Goa, Daman and Diu Inland Vessels Accident Claims Tribunal Rules, 1981.

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

(3) They shall come into force at once.

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

(a) "*Act*" means the Inland Vessels Act, 1917 (Central Act 1 of 1917);

(b) "*Claims Tribunal*", means an Inland Vessels Accident Claims Tribunal constituted under the Act;

(c) "*Legal representative*", shall have the meaning assigned to it under Clause (II) of section 2 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

3. Procedure regarding compensation arising out of accidents.—(1) An application for compensation arising out of accident of the nature specified in sub-section (1) of section 110 of the Act by persons specified in sub-section (1) of section 110A made to the Inland Vessels Accident Claims Tribunal having jurisdiction over the area in which the accident occurred, shall be in "Form Compo A" of the Schedule appended to these rules and shall contain the particulars specified in that Form.

(2) Every such application shall be sent to the Tribunal or to the Chairman, in case the Tribunal consists of more than one member, by registered post or may be presented to such member of the staff of the Tribunal as the Tribunal, or as the case may be, the Chairman may authorise for the purpose and, unless the Tribunal or Chairman otherwise directs shall be made in duplicate and shall be signed by the applicant.

(3) There shall be appended to every application a certificate which shall be signed by the applicant to the effect that the statement of facts contained in the application is true to the best of his knowledge and belief,

4. Fees.—(1) An application for compensation under rule 3 shall be accompanied by a fee of Rs. 10/- in the form of court fee stamps.

(2) The Claims Tribunal may exempt the party from the payment of fee prescribed under sub rule (1):

Provided that where a claim of a party has been accepted by the Claims Tribunal, the party shall have to pay the prescribed fee, exemption in respect of which has been granted initially before a copy of the judgment is obtained.

5. Experts.— (1) The Claims Tribunal may for the purpose of adjudication upon any claim for compensation, choose not more than two persons having technical or special knowledge with respect to any matter before the Tribunal for the purpose of assisting the Tribunal in the holding of the enquiry.

(2) The expert shall perform such functions as the Tribunal may direct.

(3) The remuneration, if any, to be paid to the expert shall, in every case, be determined by the Tribunal.

6. Exercise of powers by Claims Tribunal.—' The Claims Tribunal may exercise all the powers of a Civil Court save in so far as the same are not inconsistent with the provisions of the Inland Vessels Act, 1917 and the rules framed there under.

7. Examination of applicant.— On receiving an application under rule 3, the Claims Tribunal may examine the applicant up on oath, and the substance of such examination shall be reduced to writing and shall be signed by the member constituting the Tribunal or as the case may be, the Chairman.

8. Summary dismissal of application.—The Claims Tribunal may, after considering the Application and the statement, if any, of the applicant recorded under rule 7, summarily dismiss the application if, for reasons to be recorded, the Tribunal is of opinion that there are not sufficient grounds for proceeding therewith.

9. Notice to opposite party.—If the application is not dismissed under rule 8, the Claims Tribunal shall send to the insurer or the owner of the Inland Vessel from whom the applicant claims relief (hereinafter referred to as the opposite party), a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce upon that date any evidence which they may wish to tender.

10. Appearance and examination of opposite party.—(1) The opposite part may, and if so required by the Claims Tribunal, shall, at or before the first hearing or within such time as the Claims Tribunal may permit, file a written statement dealing with the claims raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Claims Tribunal may, and if no written statement has been fixed, shall proceed to examine him upon the claim and shall reduce

the result of the examination to writing.

11. Framing of issues.—After considering any written statement and the result of any examination of the parties, and of any local inspection, the Claims Tribunal shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

12. Determination of issue.—After framing the issues, the Claims Tribunal shall proceed to record evidence thereon which each party may desire to produce.

13. Method of recording evidence.—The member constituting the Tribunal or the Chairman thereof shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum may either be written by him or got typed at his dictation. In either case the memorandum shall be signed by the Tribunal or by the Chairman thereof and shall form part of the record.

Provided that the evidence of a medical witness shall be taken down as nearly as may be, word by word.

14. Local Inspection.—(1) The Claims Tribunal may, at any time during the course of an inquiry before it, visit the site at which the accident occurred for the purpose of making a local inspection relevant to the proceedings.

(2) Any party or the representative of any party may accompany the Claims Tribunal for a local inspection.

(3) The Claims Tribunal after making a local inspection shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and shall supply any party with a copy thereof.

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

15. Power of Summary examination.—(1) The Claims Tribunal during a local inspection or at any other time, save at a formal hearing of a case pending before it, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

16. Diary.—The Claims Tribunal shall maintain a brief diary of the proceedings initiated on application.

17. Reasons for postponement to be recorded.— If the Claims Tribunal finds it impossible to dispose of an application at one hearing, it shall record the reasons which necessitate the postponement and also inform the parties present of the date of adjourned hearing.

18. Judgement and award of compensation.— (1) The Claims Tribunal in passing orders, shall record concisely in a judgment the findings on each of the issues framed and the reasons for such findings and make an award specifying the amount of compensation to be paid by the insurer and also person or persons to whom compensation shall be paid.

(2) Where compensation is awarded to two or more persons the Claims Tribunal shall, also specify the amount payable to each of them,

19. Summoning of witnesses.— If an Application is presented by any party to the proceedings for citation of witnesses, the Claims Tribunal shall, on payment of such expenses and fees, if any, as it may determine issue summons for the appearance of such witnesses, unless it considers that their appearance is not necessary for a just decision of the case,

20. Appearance of legal practitioner.— The Claims Tribunal may, in its discretion, allow any party to appear before it through a legal practitioner.

21. Receipt for compensation.— Upon payment of compensation, a receipt shall be obtained by the Claims Tribunal and such receipt shall be forwarded to the insurer concerned or as the case may be to the owner of the Inland vessel for the purpose of record,

22. Code of Civil Procedure to apply in certain cases.— In so far as these rules make no provision or make insufficient provisions, the Claims Tribunal shall follow the procedure laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the trial of suits.

23. Savings.— Notwithstanding anything contained in these rules, in the case of a minor accident, the Claims Tribunal may follow such summary procedure as it thinks fit.

24. Form of appeal and contents of memorandum.— (1) Every appeal against the award of the Claims Tribunal shall be preferred in the form of a memorandum signed by the appellant or an advocate or attorney of the Judicial Commissioner's Court, duly authorized in that behalf by the appellant, and presented to the Judicial Commissioner's Court or such officer as it appoints in this behalf. The memorandum shall be accompanied by a copy of the award.

(2) The memorandum shall set forth concisely and under distinct heads the grounds of objection to the award appealed from without any argument or narrative, and such ground, shall be numbered consecutively;

(3) Save as provided in sub-rules (1) and (2), the provisions of Order XLI in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908), shall mutatis mutandis apply to appeals preferred to the High Court under section 110-B.

SCHEDULE
Form Comp. A
Form of application for
compensation (See Rule 3)

An application for compensation arising out of inland
vessels accidents To,
The Inland Vessels Accidents Claims Tribunal,

. residing at ...

Applicant(s); versus

. residing at ... Opposite party

1. Full name(s) of applicant(s) with age

i)

ii)

ii)

2. If accident has cause death

a) Relationship of each applicant with the deceased;

b) Age of deceased.

3. Local address of applicant...

4. Permanent address of applicant

5: Monthly income of injured person or deceased

6. Nature of injuries sustained and disablement caused...

7. Date and place of accident...

8. Registration mark of the inland vessel involved

9. Name and address (if known)of:

(a) Master of the inland vessel..

(b) Driver of the inland vessel .

(c) Owner of the inland vessel..

(d) Insurer of the inland vessel.

10. Brief particulars of the accident.

11. Quantum of compensation claimed and basis thereof

12. Grounds on which compensation claimed (mention briefly the cause of action)

13. Whether demand for compensation has been made, if so, when and with what
results...

14. If claim for compensation is not made within sixty days of the accident the grounds
thereof...

I hereby certify that the statement of facts mentioned above are true to the best of my

knowledge and belief. Dated;

Signature of Claimant or Authority
Agent.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu
N.D. Vengulekar, Under Secretary (Industries and Labour).
Panaji, 20th May, 1981