

KERALA STATE GOVERNMENT INSURANCE DEPARTMENT

Proposal No.....

EMPLOYER'S LIABILITY INSURANCE PROPOSAL FORM

Policy No.....

The attention of the proposer is directed to the provisions of Section 41 of the Insurance Act 1938 (Act IV of 1938) which reads as follows :-
Prohibition of Rebates :-

- (1) No person shall allow or offer to allow either directly or indirectly as an inducement to any person to take out or renew or continue an insurance in respect of any kind of risk relating to lives or property in India any rebate of the whole or part of the Commission payable or any rebate of the premium shown on the policy nor shall any person taking out or renewing or continuing a policy accept any rebate, except such rebate as may be allowed in accordance with the published prospectuses or tables of the insurer.
- (2) Any person making default in complying with the provisions of this section shall be punishable with fine which may be extended to FIVE HUNDRED RUPEES.

Note: The Workmen's Compensation Act, 1923, states that where any person ("the principal") in the course of or for the purposes of his trade or business contract with any other persons (the "Contractor") for the execution by or under the contractor of the whole or any part of the work which is ordinarily part of the trade or business of the Principal the latter is liable in respect of accidents to the Contractor's Workmen happening on, in or about the premises on which the Principal has undertaken or usually undertakes to execute the work or which are otherwise under his control or management. In such cases the Principal is entitled to be indemnified by the Contractor.

Proposer's Name in Full.....							
Proposer's Business Address							
Proposer's Trade or Occupation							
Particulars of Work							
SCHEDULE OF EMPLOYEES							
STATE HERE FROM OF POLICY REQUIRED A, B or C..... (See overleaf) Under Policy A all persons to whom the Workmen's Compensation Act applies must be included in this Schedule under policies B or C all employees must be included. NOTE : The Workmen's Compensation Act does not apply to Employees whose earnings exceed Rs. 400 per month. Such employees may, however, be included in any of the above policies, The premium being assessed on the figure							
Description of Employees (1)	Estimated Number of Employees (2)	Estimated Annual Wages Salaries and other Earnings			For Office use only		
		Cash (3)	Living or other allowance (if any) (4)	Total (5)	Rate per cent	Premium Rs. P.	
Clerical Staff (Duties strictly limited to indoor clerical work)							
Commercial Travellers							
Employees engaged with wood working machinery including machinists and machinist's labourers							
The Total amount of wages, salaries and other earnings paid by me/us during the past twelve months was Rs.....							
Do you wish to insure your liability under the Workmen's Compensation Act, 1923 and subsequent amendments to the said Act prior to the date of issue of the policy to the workmen of Sub-Contractors i.e. of "Contractors" as defined in the Act, (Se note*).							
If so, Please state :-							
Name of Contractor's Nature of work sublet,		If Contract for labour and material, state estimated amount of contract		If Contract for labour only, state amount of such contract.			
.....		Rs.....		Rs.....			
.....		Rs.....		Rs.....			
				TOTAL PREMIUM			
1. Does the above schedule include		(a)					
(a) All persons in your service ?							
(b) All your sub Contractors ?		(b)					
If not, state exceptions in each case.							
2. Is any part of your premises a Factory within the meaning of the Factory Acts ?							
3. (a) Have you any circular saws or other machinery driven by steam, gas, water, electricity, or other mechanical power? If so, give full particulars		(a)					
(b) Are your machinery plant and ways properly fenced and guarded, and otherwise in good order and condition ?		(b)					
4. (a) Is your Boiler registered under the Indian Boiler Act, 1923 ?		(a)					
(b) If not, under what conditions is it exempted from such registration ?		(b)					
5. State what acids, gases, chemicals or explosives will be used and to what extend?							
6. What medical service (if any) is provided for your employees ?							
7. Are you at present insured or have you ever proposed for an insurance in respect of your liability to your employees? If so, please give name of the Company or Companies							
Has any proposal for an insurance in respect of you liability to your employees or renewal thereof ever been		(a) Declined?..... (b) Withdrawn.....					
8. State the total wages paid and particulars of accidents to your employees during the past three years.							
	Total wages	Fatal		Permanent Disablement		Temporary Disablement	
		No.	Cost	No.	Cost	No.	Cost
20.....							
20.....							
20.....							

"The Insurance referred to in the heading of this Proposal Form does not extend to include indemnity in respect of the diseases mentioned in Part C of Schedule III of the Workmen's Compensation Act, 1923 as amended nor in respect of any interest and/or penalty which may be imposed on an insured on account of failure to comply with requirements of the said Workmen's Compensation Act 1923 as amended."

Period of Insurance From to

I/We, the undersigned, desire to effect an insurance as abovestated in terms of the policy to be issued by the Government. I/We, agree to render, at the end of each period insurance, a statement in the form required by the Government of all wages actually paid and to pay premium on any wages paid in excess of the amount estimated above. I/We hereby declare that all the above statements and particulars which I/We have read over and checked, are true, that I/We have not suppressed misrepresented or misstated any material fact, that I/We have fairly estimated my/our total wages and salaries expenditure, and I/We agree that this declaration shall be the basis of the contract between me/us and the Governor of Kerala.

Dated this day of 20

Signature of Proposer

EMPLOYER'S LIABILITY INSURANCE

The WORKMEN'S COMPENSATION ACT, 1923, and subsequent amendments imposes statutory obligations upon Employers to compensate their own Employees and those of "Contractors" for labour or otherwise employed by them when incapacitated as a result of accident of employment as will be appreciated on reference to the appended extracts.

*Compensation payable under
Workmen's Compensation
(Amendment) Act, 1946*

Apart from the liability for compensation which may involve considerable sums in the event of fire, panic or explosion extense and time are involved in investigating and settling claims, also in complying with the Government requirements in respect of registration, statistics, etc.

INDIAN FATAL ACCIDENTS ACT 1855 and COMMON LAW LIABILITY. All Employers are liable to have claims made upon them where negligence is the cause of an accident under this Act or at Common Law.

THE KERALA STATE GOVERNMENT issues policies giving complete protection in respect of the above liabilities and further the Government undertakes to pay all law costs incurred with its consent in settling or resisting claims.

POLICIES ISSUED ARE AS UNDER

Table A -Full indemnity against liability under the Workmen's Compensation Act, 1923, And subsequent amendments, Indian Fatal Accidents Act, 1855 and at Common Law.

Table B - Indemnity only against liability at common Law and under the Indian Fatal Accident Act 1855, for Employees to whom the Workmen's Compensation Act does not apply.

Table C - Indemnity as in Table A extended to provide compensation to employees to whom the Workmen's Compensation Act does not apply based on the scale of Compensation provided by the Act.

Rates will quoted on receipt of the proposal form overleaf duly completed.