



THE WAR INJURIES ORDINANCE, 1941



CONTENTS

- 1 Short title, extent and commencement.
- 2 Interpretation.
- 3 Power to make schemes for relief in respect of war injuries and war service injuries.
- 4 Relief from liability to pay compensation or damages.
- 5 Information as to earnings.
- 5 A Medical attention in dispensaries and hospitals.
- 6 Penalty for false statement.
- 7 Assignments or charges to be void.

THE WAR INJURIES ORDINANCE, 1941

¹ORDINANCE No. VII OF 1941

[25th July, 1941]

An Ordinance to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of^{2*} * hostilities.

WHEREAS an emergency has arisen which renders it necessary to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of^{2*} * hostilities;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance :-

1. Short title, extent and commencement.— (1) This Ordinance may be called the War Injuries Ordinance, 1941.

³[(2) It extends to the whole of Pakistan].

(3) It shall come into force at once.

¹The Ordinance has been applied to Balochistan, see Notification No.23-W, dated the 1st October, 1941.

It has been extended to the Leased Areas of Balochistan by the Leased Areas (Laws) Order, 1950 (G.G.O.3 of 1950).

This Ordinance has been applied to the Provincially Administered Tribal Areas of Balochistan, see Regulation No.IV of 1987, Art.2 and Sch.

²The original words "the present" omitted by the War Injuries (Amdt.) Ordinance, 1965 (33 of 1965), s. 2.

³Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2), as amended by the War Injuries (Second Amdt.) Ordinance, 1942 (39 of 1942) and A. O., 1949.

2. Interpretation. In this Ordinance, unless there is anything repugnant in the subject or context,—

(1) “civil defence organization” means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Ordinance and the scheme ;

(2) “civil defence volunteer”, in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the ¹[Federal Government] to grant such certificates, to have been a member of that organisation at the time the injury was sustained;

²[(3) “continuance of hostilities” means,—

(a) in relation to the hostilities during 1939-1945, the period beginning with the commencement of this Ordinance and ending on the date declared by the late Government of India to be the date on which the said hostilities terminated; and

(b) in relation to any other hostilities, the period beginning with the date declared by the ¹[Federal Government], by notification³ in the official Gazette, to be the date of the commencement of hostilities for the purpose of this Ordinance and ending on the date declared likewise to be the date of termination of such hostilities ;]

(4) “gainfully occupied person” means a person who is engaged in any trade, business, profession, office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed is normally so engaged and dependent;

¹Subs. by F.A.O., 1975, Art.2 and Table, for “Central Government”.

²Subs. by the War Injuries (Amdt.), Ordinance, 1965 (33 of 1965), s.3 for original cl.(3).

The present hostilities as respects the tribal areas beyond the western and northern boundaries of the North-West Frontier Province and such of the Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan Tribal Areas, shall be deemed to have terminated on the 31st August, 1945, see Notification No. 1-W., dated the 8th January, 1946, Gazette of India, 1945, Pt. I, p. 30.

³For such a notification, see Gaz. of P., 1565, Ext., p. 1295.

(5) “scheme” means a scheme made under this Ordinance;

(6) “war injury” means a physical injury-

(a) caused by-

(i) the discharge of any missile (including liquids and gas), or

(ii) the use of any weapon, explosive or other noxious thing, or

(iii) the doing of any other injurious act, either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy ; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to or held by any person on behalf of or for the benefit of ¹[Government] or any allied power, or any part of, or anything dropped from, any such aircraft;

²[or

²(c) caused by any explosion or fire which involves any explosives or munitions or other dangerous things required for war purposes and which happens or is caused by, through, or in connection with the manufacture, storage or transportation of any such explosives, munitions or other dangerous things;]

(7) “war service injury”, in relation to a civil defence volunteer, means any physical injury shown to the satisfaction of the ³[Federal Government] or other authority authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity:

¹Subs. by A. O., 1961, Art. 2, for “His Majesty” (with effect from the 23rd March, 1956).

²The word “or” and sub-clause (c) added by the War Injuries (Amdt.) Ordinance, 1945 (10 of 1945), s. 2.

³Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.