



THE WAR INJURIES (COMPENSATION INSURANCE) ACT, 1943



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THE FIRST SCHEDULE.
[See section 2 and 5 (1)]

THE SECOND SCHEDULE.
Omitted by A.O., 1949

THE WAR INJURIES (COMPENSATION INSURANCE) ACT, 1943.

¹ACT NO. XXIII OF 1943

[2nd September, 1943]

An Act to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability.

WHEREAS it is expedient to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability;

It is hereby enacted as follows :—

1. Short title, extent and commencement.— (1) This Act may be called the War Injuries (Compensation Insurance) Act, 1943.

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

(3) It shall come into force on such date³ as the ⁴[Federal Government] may, by notification in the official Gazette, appoint.

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

- (a) “adult” and “minor” have the meanings assigned to those expressions in the Workmen's Compensation Act, 1923 ([VIII of 1923](#));
- (b) “employer” includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means the latter person while the workman is working for that other person;

¹For Statement of Objects and Reasons, see Gazette of India, 1943, Pt. V, p. 97; and for Report of Select Committee, see *ibid.*, p. 127. The Act has been applied to Baluchistan by Notifn. No. 183-F, dated the 20th October, 1943, see Gazette of India, 1943, Pt. I, p. 1157.

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

³The 16th November, 1943, see Gazette of India, 1943, Pt. I, p. 1258.

⁴Subs. by F. A. O., 1975, Art. 2 and Table, for “Central Government”.

- (c) “the Fund” means the War Injuries Compensation Insurance Fund Constituted under section 11;
- (d) “gainfully occupied person” and “war injury” have the meanings assigned to those expressions in the War Injuries Ordinance, 1941 ([Ord. VII of 1941](#)).
- (e) “partial disablement” means, where the disablement is of a temporary nature such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time the injury was sustained, and where the disablement is of a permanent nature, such disablement as reduces his earning capacity in any employment which he was capable of under taking at that time:

Provide that every injury specified in items 2 to 9 of ¹[the First Schedule] shall be deemed to result in permanent partial disablement;

- (f) “prescribe” means prescribed by rules made under section 20 ;
- ²[(ff) “termination of hostilities” means the date declared under clause (3) of section 2 of the War Injuries Ordinance, 1941 ([Ord. VII of 1941](#)), to be the date of termination of hostilities;]
- (g) “total disablement” means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time the injury was sustained :

Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from an injury specified in item 1 of ¹[the First Schedule] or from any combination of injuries specified in items 2 to 9 of ¹[the First Schedule] where the aggregate percentage of disability as specified in that Schedule against those injuries amounts to one hundred per cent. ;

¹Subs. by the War Injuries (Compensation Insurance) (Amdt.) Ordinance, 1944 (54 of 1944), s. 2, for "the Schedule".

²Subs. by the War Injuries (Compensation Insurance) (Amdt.) Ordinance, 1965 (34 of 1965), s. 2, for clause (ff), which was ins. by the War Injuries (Compensation Insurance) Amdt. Ordinance, 1945 (41 of 1945), s. 2.

- (h) the “Scheme” means the War Injuries Compensation Insurance Scheme referred to in sub-section (1) of section 7 ;
- (i) “wages” means wages as defined in the Workmen’s Compensation Act, 1923, and “monthly wages” has the meaning assigned to that expression by section 5 of the Workmen’s Compensation Act, 1923 ([VIII of 1923](#)), and shall be calculated for the purposes of this Act in the manner laid down in that section ;
- (j) "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employers, trade or business) who is employed in any of the employments specified in section 6.

3. Compensation payable under the Act by the whom and how payable.—(1) There shall, subject to such conditions as may be specified in the Scheme, be payable by an employer, in respect of a war injury sustained by a gainfully occupied person who is a workman to whom this Act applies, compensation, in addition to any relief provided under the War Injuries Ordinance, 1941([Ord. VII of 1941](#)), of the amount and kind provided by section 5:

Provided that where an employer has taken out a policy of insurance as required by sub-section (1) of section 9 and has made all payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme, or where by the provisions ¹[of sub-section (1) of section 9 or] of sub-section (2) of section 12 the employer is not required to insure, the ²[Federal Government] shall assume and discharge on behalf of the employer the employer’s liability to pay compensation under this sub-section.

(2) The compensation payable under this Act shall be payable in accordance with the provisions made in this behalf contained in the Scheme.

(3) This section shall be binding on the ³[Government].

¹Ins. by the War Injuries (Compensation Insurance) Amdt. Ordinance, 1944 (54 of 1944), s. 3.

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

³Subs. by A. O., 1961, Art. 2, for “Crown” (with effect from the 23rd March, 1956).

4. Limitation on right to receive compensation otherwise than under this Act and Ordinance VII of 1941. Where any person has a right apart from the provisions of this Act and of the War Injuries Ordinance, 1941 ([Ord. VII of 1941](#)), to receive compensation (whether in the form of gratuity, pension, compassionate payment or otherwise) or damages from an employer in respect of a war injury in respect of which compensation is payable under this Act, the right shall extend only to so much of such compensation or damages as exceeds the amount of compensation payable under this Act.

5. Amount of compensation.— (1) The compensation payable under this Act shall be as follows, namely:—

(a) where death results from the injury—

(i) in the case of an adult—the amount payable in a like case under the Workmen’s Compensation Act, 1923 ([VIII of 1923](#)), reduced by seven hundred and twenty rupees, and

(ii) in the case of a minor—two hundred rupees ;

(b) where permanent total disablement results from the injury—

(i) in the case of an adult—the amount payable in a like case under the Workmen’s Compensation Act, 1923 ([VIII of 1923](#)), reduced by one thousand and eight rupees, and

(ii) in the case of a minor—the monthly payment payable in a like case to an adult under the Scheme made under the War Injuries Ordinance, 1941([Ord. VII of 1941](#)), for so long as he remains a minor, and thereafter as in the following sub-clause;

(c) where permanent partial disablement results from the injury—

(i) in the case of an injury specified in ¹[the First Schedule]—such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of disablement ;

(ii) in the case of an injury not specified in ¹[the First Schedule]— the percentage of such compensation specified in ¹[the First Schedule], for a disablement held by a competent medical authority acting under the Scheme made under the War Injuries Ordinance, 1941([Ord. VII of 1941](#)), to be of corresponding degree ;

¹Subs. by the War Injuries (Compensation Insurance) Amdt. Ordinance, 1944 (54 of 1944), s. 4, for “the Schedule”.