

Registered No. DA-1.

The  
Dacca Gazette



Extraordinary  
Published by Authority

SATURDAY, MAY 16, 1959

PART I—Orders and Notifications by the Government of East Pakistan, the Administrator, Martial Law in East Pakistan, the High Court, Government Treasury, etc.

GOVERNMENT OF EAST PAKISTAN  
COMMERCE, LABOUR AND INDUSTRIES DEPARTMENT

Labour

NOTIFICATION

No. 1055 Lab.—16th May 1959—In exercise of the powers conferred by section 32 of the Workmen's Compensation Act, 1923 (Act VIII of 1923) read with section 21 of the General Clauses Act, 1897 (Act X of 1897), the Governor is pleased to make the following amendments in the Workmen's Compensation Rules, 1924, a draft of the same having been previously published under notification No. 2281 Lab., dated 10th November 1958, at pages 2657 to 2664 of the *Dacca Gazette, Extraordinary*, dated 11th November 1958.

Amendments

1. After rule 12 of the said rules, the following shall be inserted, namely:—

12A(1) The Labour Commissioner, East Pakistan, the Chief Inspector of Factories, East Pakistan, Additional Labour Commissioner, Deputy Labour Commissioner, East Pakistan, Inspector of Factories, Assistant Labour Commissioner and Labour Officers may refer to the Commissioner in Form V cases of workmen who have not been paid due compensation by the employers.

"Persons empowered to refer cases of compensation."

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Administrator,  
y, etc.

Pakistan Mustard  
28th April 1959,  
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ses of Mustard Oil  
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o whom sold.

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Signature of the purchaser.

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Closing balance of seed/oil.

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Remarks

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(2) The Commissioner on receiving the reference under sub-rule (1), shall notify the parties fixing date and place of hearing, and after hearing the parties, if necessary, decide if any compensation is actually due to the workmen and if so due, shall fix the amount payable by the employer. If the employer concerned fails to deposit the money awarded by the Commissioner within a month from the date of passing the award, the awarded money shall be realised by distress warrant through the Collector of the district concerned at the instance of the Commissioner.

(3) On realisation of the awarded money it shall be disbursed to the workman or his dependants or his legal heirs by the Commissioner in accordance with the provision of section 8 of the Act.

(4) The Commissioner shall forward a copy of the award to the referring officer.

2. After rule 52 of the said rules, the following shall be inserted, namely:—

#### "PART IX

##### Workmen's Benefit Fund.

53(1) The Workmen's Benefit Fund (hereinafter referred to as "the Fund") to be vested in and administered by the Commissioner.

(2) If the Commissioner is satisfied after an enquiry which he may deem necessary, that no dependant of the deceased workman exists, he shall not less than two years after the date of deposit transfer the balance of the money to the Fund.

(3) The money belonging to the Fund shall be deposited in the National Bank of Pakistan, for which an account shall be opened by the Commissioner and the National Bank of Pakistan shall pay money on presentation of cheques signed and sealed by the Commissioner.

54(1) The Fund shall be spent for the benefit of workmen coming within the purview of the Workmen's Compensation Act, 1923, for any of the following and such other purposes as may be recommended by the Labour Commissioner:—

- (i) Education.
- (ii) Marriages.
- (iii) Maternity benefits.

(2) The grant made out of the Fund shall not be less than Rs.10 or more than Rs.50 per workman's family.

55(1) Any workman desiring benefit out of the Fund shall submit an application in duplicate in a form duly filled in, to the Commissioner through

Workmen's  
Benefit Fund.

Distribution  
of money out  
of the Fund.

Application  
for grant of  
benefit out  
of the Fund.

PART I]

(2) A

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(2)



Our Commissioner. One copy of such application shall be retained in the office of the Labour Commissioner and other copy forwarded with his recommendations for consideration of the Commissioner.

Applications received under sub-rule (1) shall be disposed of by the Commissioner on the merit of each case and a record of all such applications shall be maintained in a register in Form 'T'.

The accounts of the Fund shall be maintained by the Commissioner in a register in Form 'TT' and shall be subject to audit.

A report on the working of the Fund and accounts thereof shall be embodied in the Report on the working of the Workmen's Compensation Act, 1923 to be prepared by the Commissioner and submitted to Government every year.

Maintenance of accounts of the Fund.

### PART X

#### Publication of Abstract of the Act and Rules.

1. The abstracts of the Act and Rules thereunder shall be in Form 'X' and the containing such abstracts shall be printed and published in English, Urdu and Bengali.

Abstracts of the Act and Rules.

### FORMS

(Rules 55)

#### Application for grant of benefit out of the Workmen's Benefit Fund

1. Name and address of the applicant.....
2. Father's/Husband's name.....
3. Name and address of the undertaking of his/her employment.....
4. Name with details of the occupation held by the applicant.....
5. Total monthly wages and allowances (in money) drawn by the applicant.....

Administrator.  
y, etc.

Pakistan Mustard  
28th April 1959,  
orters, Oil Millers  
ies of Mustard Oil  
of stock held by

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peseed oil.

th addresses of  
p whom sold.

Signature of the purchaser.  
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Closing balance of seed/oil.  
11

Remarks

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[Part II]

6. Number of dependants, their relations with the applicant.....
7. Nature of benefit applied for with full details.....

Signature of the applicant  
with date.

Labour Commissioner's Report

Signature of the Labour  
Commissioner, East Pakistan,  
with date.

- Serial number in the Commissioner's Register of application.....
- Final orders.....
- Amount sanctioned, if any.....
- Date of payment.....

Signature of the Commissioner,  
Workmen's Compensation,  
East Pakistan.

FORM T  
(Rule 55)

Register of application for grant of benefit from the Workmen's Benefit F

Sl. No.	Name of the Applicant with Father's/Husband's name.	Address.	Decision of the Commr.	Amount paid.	Date of payment.	Receipt of the applicant.	Signature of the applicant.
				Rs. as. p.			



(Rule 30)

ware of  
commis-  
sioner.

Accounts Register of Workmen's Benefit Fund for			Amount paid to workman as per rule (54).	Date of transfer.	Amount transferred	Balance of cheque in which payment made.	Rs. as.

[illegible]

Signature of the purchaser.

Closing balance of seed/oil.

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## FORM V

(Rule 12A)

## Report on non-payment of compensation to a workman by an employer

To

The COMMISSIONER, WORKMEN'S COMPENSATION, EAST  
PAKISTAN, DACCA.

Sir,

In accordance with section 10C of the Workmen's Compensation Act, 1923 as amended, I have the honour to submit the following report of non-payment of compensation to a workman by his employer under the said Act:—

1. Name, address and other particulars of the workman, who has not been paid due compensation.
2. Name, address and other particulars of the employer who has not paid the compensation.
3. Nature of accident and percentage of loss of efficiency.
4. Approximate amount of compensation due to the workman according to law.
5. Whether any amount has been paid or not, if paid, how much?
6. Views of the Reporting Officer as to why and how due compensation has not been paid.
7. Remarks.

Signature of the Reporting Officer.

Designation.....

Seal.

Dated.....

The.....19.....

## FORM X

(Rule 57)

## Abstracts of the Act and Rules made thereunder.

1. An employer is liable to pay compensation to a workman in respect of an injury resulting in partial or total disablement received by him in course of his employment. No compensation is however payable for any disablement which does not exceed a period of at least four days. Compensation is also payable on account of contracting any of the occupational diseases as specified in Parts A and B of Schedule III to the Act. The amount of compensation shall be payable in accordance with the provisions of section 4 of the Act.



2. Half-monthly payments payable under the Act may, after its review by the Commissioner either be continued, increased, decreased or ended, as the case may be, or it may be redeemed by the payment of a lump sum of such an amount as may be agreed to by the parties or determined by the Commissioner.

3. No payment of compensation shall be made otherwise than by deposit with the Commissioner and as such payment made directly by an employer shall be deemed to be a payment of compensation. The compensation money in respect of a deceased workman shall be paid by the Commissioner to the dependants of the deceased after deducting funeral costs, if any, not exceeding Rs.25. If no dependant of the deceased workman exists, the Commissioner shall transfer the compensation money to the Workmen's Benefit Fund created in accordance with sub-section (4) of section 8 of the Act. The fund shall be spent on education, marriages and maternity benefits and similar other benefits for the members of the workman's family. Compensation payable under the Act shall not be assigned, attached or charged under any other law for the time being in force.

4. No claim for compensation shall be entertained unless notice of the accident has been given in Form EE and unless the claim has been preferred before the Commissioner in Form F within a year of the occurrence of the accident.

5. Reports of fatal accidents shall be sent by the employer to the Commissioner within seven days of such accident. In case no such accident is reported by the employer the Commissioner may call for a statement giving the circumstances attending the death of the workman within thirty days from the date of receipt of notice from the Commissioner.

6. Cases of workmen, who have not been paid any compensation as provided for under the Act, may be referred to the Commissioner by the Labour Commissioner, the Chief Inspector of Factories, the Additional Labour Commissioner, the Deputy Labour Commissioner, the Inspector of Factories, the Assistant Labour Commissioner and the Labour Officer.

7. Within three days of occurrence of an accident the workman involved shall be examined by a qualified medical practitioner at the expense of the employer. A workman in receipt of a half-monthly payment under the Act, shall also be medically examined from time to time and the costs for such medical examinations shall be borne by the employer.

8. A workman in the immediate employment of a contractor, shall be paid compensation by the Principal who engages the contractor for execution of his work and the Principal shall be entitled to be indemnified by the contractor.

9. If any compensation has been paid by some person other than the person who was under legal liability to pay damages in respect of an injury caused to a workman, then the person so liable to pay damages, shall indemnify the person who has been called upon to pay an indemnity under section 12 of the Act.

10. Where an employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then in the event of the employer becoming insolvent or in the case of winding up the company, the rights of the employer against the insurers in respect to that ability shall be transferred to and vested in the workman.

Signature of the purchaser. 10	Closing balance of seed/oil. 11	Remarks 12
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Registered

11. The Act is also applicable to the Master of Ships or Seamen.
12. In accordance with notification No. 1189L., dated the 28th March, 1935, Annual Returns in the scheduled Form shall be furnished by every employer to the Commissioner, showing the number of injuries in respect of which compensation has been paid and the amount of such compensation.
13. Any contract or agreement whereby a workman relinquishes any right of compensation from the employer will be considered as null and void.
14. Failure to maintain a notice book under section 10(3) or to send to the Commissioner a statement under section 10A(1) or a report under section 10B or a return under section 16 or to affix these abstracts, shall be punishable with fine which may extend to one hundred rupees.

#### Commissioner, Workmen's Compensation.

15. No Civil court shall have jurisdiction to settle, decide or deal with any question which is under this Act required to be dealt with by the Commissioner.

16. Where any agreement arrived at for payment of a lump sum as compensation by way of redemption of a half-monthly payment or otherwise, a memorandum thereof shall be sent to the Commissioner and the Commissioner may refuse to record the memorandum of the agreement, if he is satisfied that the agreement has been obtained by fraud, or undue influence or other improper means. For failure to submit a memorandum of agreement to the Commissioner, the employer shall be liable to pay the full amount of compensation payable under the Act.

17. Appeal against the order of the Commissioner lies to the High Court or certain questions specified in section 30 of the Act, and pending decision of the appeal, the Commissioner may withhold payment of Compensation in deposit with him.

18. Any amount payable by any person under this Act, may be recovered as an arrear of land revenue by the Commissioner.

By order of the Governor,  
A. Q. M. MAHIUDDIN,  
Dy. Secy. to the Govt. of East Pakistan.



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urer, etc.

GOVERNMENT OF EAST PAKISTAN  
COMMERCE, LABOUR AND INDUSTRIES  
DEPARTMENT

Jute

NOTIFICATION

927 Jute—20th May 1959—In exercise of the  
powers conferred by section 12 of the East Bengal  
Jute Dealers Registration Act, 1949 (East Bengal Act  
XXVIII of 1949), the Governor proposes to make  
the following amendment in the East Bengal Jute  
Dealers Registration Rules, 1950 (hereinafter referred  
to as the "said rules") a draft of which is herewith  
published for information of persons likely to be  
affected thereby.

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The draft amendment will be taken up for consideration on or after the 6th June 1959 and any objection or suggestion with respect thereto which may be received by the undersigned before that date will be duly considered—

*Draft amendment*

In sub-rule (1) of rule 9 of the said rules for the word "Jute" the words and compound "Commerce, Labour and Industries" shall be substituted.

By order of the Governor,  
A. Q. M. MOHIUDDIN,  
Dy. Secy. to the Govt. of  
East Pakistan.

Printed and Published by Naziruddin Ahmed, Officer on Special Duty, Home Department, at East Pakistan Government Press, Dacca.