



# THE EMPLOYEES' SOCIAL INSURANCE ORDINANCE, 1962



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# THE EMPLOYEES' SOCIAL INSURANCE ORDINANCE, 1962

<sup>1</sup>ORDINANCE NO. XXII OF 1962

[25th May, 1962]

## **An Ordinance to introduce a scheme of social insurance for providing benefits to certain employees or their dependants in the event of sickness, maternity, employment injury or death, and for matters ancillary thereto.**

WHEREAS it is expedient to introduce a scheme of social insurance for providing benefits to certain employees or their dependants in the event of sickness, maternity, employment injury or death, and for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

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<sup>1</sup>It has been repealed in its application to the Province of West Pakistan by the West Pakistan Ordinance No. 10 of 1965, s. 82 (with effect from the 17th May, 1965).  
The employees, Social Insurance Ordinance, 1962 (XXII of 1962), in its application to the Province of West Pakistan, is hereby repealed, see W.P. Ord. No. 10 of 1965, s. 81.

## CHAPTER I

### PRELIMINARY

**1. Short title, extent, commencement and application.**—(1) This Ordinance may be called the Employees' Social Insurance Ordinance, 1962.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once, but apply only to such areas, classes of persons, industries or establishments, and from such date or dates, as the [Federal Government] may, by notification in the official Gazette, specify in this behalf.

**2. Definitions.** In this Ordinance, unless there is anything repugnant in the subject or context,-

(1) “appointed day” means, in relation to any area, class of persons, industries or establishments, the day on which this Ordinance is applied to such area or in respect of such class of persons, industries or establishments;

(2) “appropriate Government” means in respect of any industry or establishment carried on by or under the authority of the <sup>1</sup>[Federal Government], the <sup>1</sup>[Federal Government], and in other cases the Provincial Government;

(3) “casual employment” means employment (other than employment in construction work) which is not in the course of employer's ordinary trade or business and is normally expected to last less than three days;

(4) “confinement” means labour resulting in the issue of a living child, or labour after twenty six weeks of pregnancy resulting in the issue of a child whether alive or dead;

(5) “contribution” means the sum of money payable to the Institution by the employer in respect of an employee and includes any amount payable by, or on behalf of, the employee in accordance with the provisions of this Ordinance;

(6) “dependant” means the wife or a needy invalid husband and any of the unmarried children under the age of sixteen years dependant upon the insured person or the recipient of a disablement pension;

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

(7) “Director-General” means the Director-General of the Institution;

(8) “disablement” means such incapacity caused by employment injury as is certified by a medical practitioner authorized in accordance with the regulations to have permanently disabled or to be likely to permanently disable the insured person from earning from his usual or any other occupation more than ninety five per cent of the average rate of earnings in his usual occupation, and disablement shall be “minor” where the loss of earning capacity ranges from five percent to twenty percent and “partial” where the loss of earning capacity ranges from twenty percent to sixty six percent and “total” where the loss of earning capacity is in excess of sixty six percent.;

(9) “employee” means any person working for wages in any industry, business, undertaking or establishment under any contract of service or apprenticeship, whether written or oral, express or implied, but does not include—

- (a) persons in the service of the State, including members of the armed forces and railway servants;
- (b) persons employed in any undertaking under the control of any defence organization or railway administration;
- (c) persons in the service of a local council, a municipal committee, a cantonment board or any other local authority;
- (d) any person in the service of his father, mother, wife, son or daughter, or of her husband;
- (e) domestic servants; and
- (f) workmen employed in any factory, within the meaning of the Factories Act, 1934 ([XXV of 1934](#)), on wages exceeding five hundred rupees per mensem;

(10) “employer” means, in the case of works executed or undertaking carried on behalf of the State, the contractor or licensee working for the State, and in every other case the owner of the industry, business, undertaking or establishment in which an employee works and includes the agent, manager and representative of the owner;

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(11) “employment injury” means a personal injury to an employee caused by accident or by an occupational disease to be specified in the regulations, arising out of and in the course of his employment;

(12) “establishment” means an organization, public or private, industrial, commercial, agricultural or otherwise;

(13) “Governing Body” means the Governing Body of the Institution;

(14) “Institution” means the Employees' Social Insurance Institution established under section 3;

(15) “insurance area” means an area to which this Ordinance has been applied;

(16) “insured person” means a person in respect of whom contributions are or were payable under this Ordinance;

(17) “Medical Advisory Council” means the Medical Advisory Council established under section 12;

(18) “member” means a member of the Governing Body;

(19) “prescribed” means prescribed by rules;

(20) “regulations” means regulations made under this Ordinance;

(21) “rules” means rules made under this Ordinance;

(22) “sickness” means a morbid condition which requires medical treatment and attendance;

(23) “wages” means remuneration for services paid or payable in cash or in kind to an insured person under a contract of service or apprenticeship, express or implied, but does not include-

(a) any sum paid to the person employed to defray special expenses entailed by the nature of his employment; or

(b) any gratuity payable on discharge; or

(c) any sum paid as bonus by the employer;

and shall be deemed to include payment to an insured person in respect of any period of authorized leave, lockout or legal strike;

(24) “week” means a period of seven days beginning with a specific weekly holiday.

## CHAPTER II

### ORGANIZATION

**3. Establishment and incorporation of Employees' Social Insurance Institution.**—(1) As soon as may be after the commencement of this Ordinance, the <sup>1</sup>[Federal Government] shall establish an institution to be called the Employees' Social Insurance Institution.

(2) The Institution shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Ordinance, to acquire, hold and dispose of property, both movable and immovable, and shall by the aforesaid name sue and be sued.

**4. Management.**—(1) The general direction and superintendence of the affairs of the Institution shall vest in a Governing Body which, with the assistance of a Director-General, may exercise all powers and do all acts and things which may be exercised or done by the Institution.

(2) In discharging its functions, the Board shall be guided by such instructions on questions of policy as may be given to it from time to time by the <sup>1</sup>[Federal Government], which shall be the sole judge as to whether any instructions are on a question of policy or not.

**5. Governing Body.**—(1) The Governing Body shall consist of the following members to be appointed by the <sup>1</sup>[Federal Government, by notification in the official Gazette, namely:—

- (a) a person who is, or has been, or is qualified to be, a Judge of the High Court, and he shall be the Chairman of the Governing Body;
- (b) two persons to represent the <sup>1</sup>[Federal Government], of whom one shall be a representative of the Labour and Social Welfare Division of the Ministry of Health, Labour and Social Welfare and the other of the Industries Division of the Ministry of Industries and Natural Resources;
- (c) one person to represent the Government of East Pakistan, and one to represent the Government of West Pakistan;
- (d) four persons to represent the employers;
- (e) two persons to represent insured persons; and
- (f) Chairman, Medical Advisory Council, *ex-officio*.

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<sup>1</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".



(2) Members to be appointed under clause (d) or clause (e) of sub-section (1) shall be chosen from a list, comprising twice as many names as there be vacancies to be filled, and drawn in the prescribed manner respectively by the organizations of employers and employees recognized by the <sup>1</sup>[Federal Government] for that purpose, so that the employers and insured persons of both the Provinces are adequately represented.

(3) Subject to other provisions of this Ordinance, a member of the Governing Body shall hold office for three years from the date on which his appointment is notified under sub-section (1).

**6. Powers and functions of the Governing Body.** Besides the powers conferred on, and the functions entrusted to it by the provisions of this Ordinance or by the rules or regulations, the Governing Body shall have the power-

(1) to approve the budget estimates, the audited accounts and the annual report of the Institution for submission to the <sup>1</sup>[Federal Government] in accordance with the provisions of this Ordinance; and

(2) to call for any information, or direct any research to be made for the furtherance of the objects of this Ordinance.

**7. Meetings of the Governing Body.**—(1) The meetings of the Governing Body shall be held at such times and at such places as may be provided by regulations and until regulations are made in this behalf, such meetings shall be convened by the Chairman.

(2) To constitute a quorum at a meeting of the Governing Body, the number of members present shall be five.

(3) Each member shall have one vote, and, in the event of equality of votes, the Chairman shall have a second or casting vote.

(4) The meetings of the Governing Body shall be presided over by the Chairman, and in the absence of the Chairman by the person elected for the purpose by the members present, from amongst themselves.

**8. Head Office.** The head office of the Institution shall be at Karachi but the <sup>1</sup>[Federal Government] may, by notification in the official Gazette, transfer it to such other place as may be specified in such notification.

**9. Provincial institutions.**—(1) There shall be established in the prescribed member two provincial institutions, one for East Pakistan and the other for West Pakistan, for carrying out the purposes of this Ordinance.

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<sup>1</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

(2) Each provincial institution shall have such constitution, composition and powers as may be prescribed.

(3) Each provincial institution shall have its own fund which shall as far as may be comprise of such portion of the Employees' Social Insurance Fund as is collected in that Province, and the institution may incur such expenditure out of the said fund as may be necessary.

(4) Subject to rules, a provincial institution may, within the Province, exercise all or any of the powers of the Institution, and anything done or any action taken by a provincial institution in exercise of such powers shall be deemed to have been done or taken on behalf of the Institution.

(5) In discharging its functions a provincial institution shall be guided by such instructions on questions of policy as may be given to it from time to time by the Governing Body which shall be the sole judge as to whether any instructions are on a question of policy or not.

**10. Authentication of orders, etc.,** All orders and decisions of the Governing Body shall be authenticated by the signature of the Chairman or of such other member as may have been authorized by the Governing Body in writing for the purpose.

**11. Supersession of the Governing Body.**—(1) If, in the opinion of the <sup>1</sup>[Federal Government], the Governing Body has persistently failed to perform the duties imposed upon it by or under this Ordinance, or has abused its powers, the <sup>1</sup>[Federal Government] may, by notification in the official Gazette, supersede the Governing Body:

Provided that before such supersession the <sup>1</sup>[Federal Government] shall give the Governing Body a reasonable opportunity to show cause why it should not be superseded and shall consider any explanations or objections which it submits.

(2) Upon the publication of a notification under sub-section (1), all members of the Governing Body shall cease to be such members.

(3) Immediately upon the supersession of a Governing Body, the <sup>1</sup>[Federal Government] shall constitute another Governing Body by appointing new members in accordance with the provisions of section 5.

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<sup>1</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

**12. Medical Advisory Council.**—(1) As soon as may be, the <sup>1</sup>[Federal Government] shall establish a Medical Advisory Council consisting of the following members, namely :—

- (a) the Director-General, Health, who shall be the Chairman of the Council ;
- (b) the Deputy Director-General, Health ;
- (c) three physicians to be appointed by the <sup>1</sup>[Federal Government] of whom one shall be a woman and one a representative of such medical association as may be recognized for the purpose by the <sup>1</sup>[Federal Government].

(2) A member appointed under clause (c) of sub-section (1) shall, unless sooner removed, hold office for a period of three years from the date of his appointment.

**13. Duties of Medical Advisory Council.** The Medical Advisory Council shall-

- (a) advise the Governing Body on matters relating to the administration of medical care and the prevention and treatment of diseases among insured persons;
- (b) perform such other duties in connection with medical care as may be specified in the regulations.

**14. Filling of casual vacancies.** A member of the Governing Body or of the Medical Advisory Council appointed to fill a vacancy other than a full term vacancy shall hold office only for so long as the member in whose place he is appointed would have been entitled to hold office if the vacancy had not occurred.

**15. Fees and allowances.** The members of the Governing Body and of the Medical Advisory Council shall receive such fees and allowances as may be prescribed.

**16. Resignation.** A member of the Governing Body or of the Medical Advisory Council, other than a member *ex-officio*, may resign his office by notice in writing to the <sup>1</sup>[Federal Government] and his seat shall fall vacant on the acceptance of the resignation.

**17. Disqualifications.**—(1) No person shall be or shall continue to be a member of the Governing Body or of the Medical Advisory Council, if he-

- (a) has been convicted of an offence involving moral turpitude ; or

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<sup>1</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

- (b) is declared to be of unsound mind by a competent court ; or
- (c) is an undischarged insolvent ; or
- (d) is a member of a legislature ; or
- (e) is a member of the staff of the Institution ; or
- (f) has any direct or indirect interest in a contract with, or in any work being done for, the Institution, except as a shareholder (not being a Director) of a company ; or
- (g) owes to the Institution contributions to the extent specified in the regulations ; or
- (h) has lost the capacity by virtue of which he was appointed as such member ; or
- (i) has failed to attend more than one-third of the number of meetings of the Governing Body or the Medical Advisory Council, as the case may be, held during any year.

(2) The <sup>1</sup>[Federal Government] may, by order in writing, remove the Chairman or a member of the Governing Body or the Chairman or member of the Medical Advisory Council, if he—

- (a) refuses or fails to discharge or becomes, in the opinion of the <sup>1</sup>[Federal Government], incapable of discharging his responsibilities under this Ordinance ; or
- (b) has in the opinion of the <sup>1</sup>[Federal Government], abused his position as such member ; or
- (c) has absented himself from three consecutive meetings of the Governing Body or of the Medical Advisory Council, as the case may be, without the leave of the <sup>1</sup>[Federal Government] in the case of Chairman, or of the Chairman in the case of a member.

**18. Regional boards, local committees and medical boards.**—(1) The appropriate Government shall appoint regional boards and local committees in such insurance areas and in such manner as may be provided by regulations.

(2) The regional boards shall appoint medical boards in such Insurance areas and in such manner as may be provided by regulations.

(3) The powers and functions of the regional boards, local committees and medical boards, as well as the fees and allowances to be paid to their members shall be such as may be provided by regulations.

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<sup>1</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

**19. Director-General and Deputy Director-General.**—(1) There shall be a Director-General of the Institution and a Deputy Director-General of the Institution, both to be appointed by the <sup>1</sup>[Federal Government].

(2) The Director-General shall be the chief executive of the Institution and shall act as Secretary to the Governing Body.

(3) He shall be responsible to the Governing Body in respect of all matters in respect of the structure, administration and personnel of the Institution.

(4) He shall have such powers regarding appointment, transfer, promotion, dismissal and other matters affecting the staff of the Institution as are provided for by regulations.

(5) The Deputy Director-General shall perform the duties of the Director-General when the latter is absent or prevented from acting and the Director General may assign to the Deputy Director-General the responsibility for the direction of certain services, or delegate to him any of his own powers.

**20. Officers and staff of the Institution.** The Governing Body may employ such officers and staff in the headquarters office of the Institution and in the offices of the provincial institutions referred to in section 9 as the regulation may provide.

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### CHAPTER III

#### CONTRIBUTIONS

**21. Contributions.**—(1) Subject to the other provisions of this Chapter, the employer shall, in respect of every employee, whether directly employed by him or through any other person, pay to the Institution a contribution at such rate and subject to such conditions as may be prescribed.

(2) Such contribution shall comprise the share payable by the employer (hereinafter referred to as employer's contribution) and the share payable by the employee (hereinafter referred to as employee's contribution) and the rate of such share shall be determined by rules:

Provided that the amount of the employee's contribution shall in no case exceed one-third of the whole amount of contribution.

(3) The employer shall deduct the amount of employee's contribution from his wages :

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<sup>1</sup>Subs. by F.A.O., 1975, Art. 2 and Table for "Central Government".

Provided that—

- (a) the employer shall not deduct the amount of employee's contribution from any wages other than wages for the period to which the contribution relates ;
- (b) the employer shall not be entitled to deduct from the employee's wages or to otherwise recover from him any portion of the employer's contribution, notwithstanding any agreement to the contrary ;
- (c) where the whole or part of the wages are not payable by the employer, deductions in respect of employee's contribution shall be made in such manner as may be provided by regulations.

(4) Subject to the provisions of sub-section (2) of section 72-

- (a) no contribution shall be payable on wages in excess of rupees twenty per day ; and
- (b) no deduction on account of employee's contribution shall be made from wages which are less than rupees two per day.

(5) For the purposes of determining the amount of contribution, daily wages shall be calculated in such manner as may be prescribed.

(6) Where the mode of payment of remuneration makes it difficult to determine the amount of wages for computing the employee's contribution, the Director-General may, subject to rules and in consultation with the representatives of the employers and the employees, determine and fix such wages and may also for that purpose determine classes and categories of employees.

(7) Any sum deducted from an insured person's wages by the employer under this Ordinance shall be deemed to have been entrusted to him for the purpose of paying the insured person's share of the contribution in respect of which it was paid.

(8) In the case of construction work the owner of the building shall guarantee the payment of contributions by the contractor.

(9) In the case of works executed or undertakings carried on behalf of the State by a contractor or licensee, the competent public authority shall, before final settlement of the claims of the contractor or licensee arising out of the contract, require the production of a certificate from the Institution showing that the necessary contribution have been paid and in default of such certificate, it shall deduct the appropriate amount of contribution payable and pay it direct to the Institution.

**22. Records and returns by employers.** Every employer shall keep such records and shall submit to the Institution such returns, in such form and containing such particulars relating to persons employed by him, as may be provided in the regulations.

**23. Officials of Institution to check employers' books.**—(1) Any official of the Institution specified in the regulations, may, for the purpose of inquiring into the correctness of any of the particulars stated in the records or returns referred to in section 22, or for the purpose of ascertaining whether any of the provisions of this Ordinance have been complied with,-

- (a) require an employer to furnish to him such information as he may consider necessary; or
- (b) at any reasonable time enter any establishment or other premises occupied by such employer and require any person found in charge thereof to produce and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages, or to furnish to him such information as he may consider necessary; or
- (c) examine, with respect to any matter relevant to the purpose aforesaid, the employer, his agent, or any person found in such establishment or other premises, or any other person whom the said official has reasonable cause to believe to be or to have been an insured person.

(2) The official mentioned in sub-section (1) shall be bound to secrecy as regards all matters with which he becomes acquainted in the performance of his duties and which do not relate to matters provided for in this Ordinance.

(3) If the employer fails to maintain records or to submit returns as required by regulations, or otherwise fails to comply with sub-section (1) and thereby makes <sup>1</sup>[if] difficult to ascertain the identity of persons required to be insured or the amount of contributions payable, contributions shall be assessed on the basis of such evidence as the Institution may find satisfactory for this purpose.

**24. Increase of unpaid contributions and recovery of contributions, etc., as arrears of land revenue.**—(1) If any employer fails to pay his contribution on the due date, it

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<sup>1</sup>*Sic. should read "it".*

shall be increased by such percentage or amount may be prescribed but in no case such increase shall exceed fifty per cent. of the amount of contribution due.

(2) Without prejudice to any other remedy, the amount of contribution due, together with the increase accruing under sub-section (1), may be recovered as arrears of land revenue.

**25. Safeguard of insured person's rights on default of payment of contribution by employer.** In the event of default of payment of contribution by the employer in respect of an insured person, the rights of that person to benefits under this Ordinance shall be safeguarded to such extent and in such manner as may be provided in the regulations, provided such default has not been with the consent or connivance of the insured person.

**26. Return of contribution paid erroneously.** Every person or his employer shall be entitled to the return of any contribution paid to the Institution under the erroneous belief that it was payable in respect of such person under the provisions of this Ordinance or was payable at a higher rate than the rate prescribed:

Provided that where contribution was paid under the erroneous belief that a person was an insured person, any sum paid to such person or his dependants by way of benefits shall be deducted from the amount of contribution:

Provided further that contributions shall not be returned except on application made within six months of the date on which they were paid.

**27. Increase of contributions where safety rules not observed.** If an employer fails to observe rules of safety or hygiene prescribed by or under any enactment applicable to an establishment, the Director-General may by order in writing, subject to rules, increase the employer's rate of contribution, provided that such increase shall not exceed twenty per cent of the contribution otherwise payable.

**28. Extinguishment of claims to contributions.** The claim of the Institution for unpaid contributions shall be extinguished after five years following the financial year within which the liability for contributions was determined.

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## CHAPTER IV

### FINANCE AND AUDIT

**29. Employees' Social Insurance Fund.**—(1) All contributions paid under this Ordinance and all other moneys received by or on behalf of the Institution shall be paid into a fund to be called the Employees' Social Insurance Fund, which shall be held and administered by the Institution for the purposes of this Ordinance.

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(2) The Institution may accept grants, donations and gifts from the <sup>1</sup>[Federal] or Provincial Government, or from a local authority or other body for all or any of the purposes of this Ordinance.

(3) All moneys accruing or payable to the said Fund shall be received by such officers of the Institution as may be prescribed and shall be deposited forthwith with the State Bank of Pakistan or such other bank as may be approved by the Governing Body, to the credit of the Employees' Social Insurance Fund.

(4) The Institution shall maintain separate accounts in the Fund for the branch of insurance covering employment injuries, for the branch of insurance covering sickness, maternity and death grants, for administrative expenses, and for such other branches of insurance or for such other purposes as may be prescribed.

(5) Appropriation of moneys in the Fund to each of the said accounts and the allocation of moneys for meeting the cost of medical care and other expenses shall be made by the Governing Body with the approval of the <sup>2</sup>[Federal Government].

**30. Security reserves.**—(1) Subject to such conditions as may be prescribed, the Institution shall establish and maintain a separate security reserve—

- (a) in the account covering employment injuries, equal to at least twenty-five per cent. of the average annual expenditure incurred in the last preceding three financial years on the payment of benefits in respect of employment injuries other than pensions plus the prospective value of all pensions arising out of employment injuries accruing before the end of the last preceding financial year; and
- (b) in the account covering sickness, maternity and death, equal to at least twenty-five percent. of the average annual expenditure incurred during the last preceding three financial years on the payment of benefits in respect of sickness, maternity and death:

Provided that before the expiry of three financial years from the coming into force of this Ordinance, the minimum limit of each of the said security reserves shall be such as the <sup>2</sup>[Federal Government] may determine.

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<sup>1</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Central".

<sup>2</sup>Subs. *ibid.*, for "Central Government".

(2) Whenever any such reserve falls below the aforesaid limits, the <sup>1</sup>[Federal Government] shall, on the recommendation of the Governing Body, fix such higher rate of contribution for the next ensuing financial year as may be necessary to avoid a deficit in the security reserve and shall notify such higher rate in the official Gazette before it becomes effective:

Provided that the <sup>1</sup>[Federal Government] may, instead of fixing such higher rate of contribution, grant to the Institution a sum equal to the annual receipts estimated to accrue from the increase in the rate of contribution.

**31. Investment and loans.**—(1) Subject to rules, the Institution may from time to time invest any moneys which are not immediately required for expenses under this Ordinance and may reinvest or realise such investments.

(2) The Institution may, with the previous sanction of the Central Government and on such terms as it may specify, raise loans and take measures for discharging such loans

**32. Budget estimates.** The Institution shall frame a budget annually showing the estimated receipts and expenditure for the following year, and shall submit it to the <sup>1</sup>[Federal Government], whose approval with respect to anticipated administrative expenditures shall be necessary.

**33. Accounts and audit.**—(1) The Institution shall maintain accounts of its income and expenditure in such form and manner as may be prescribed.

(2) The accounts of the Institution shall be audited at such times and in such manner as may be prescribed by auditors appointed by the <sup>1</sup>[Federal Government].

(3) The auditors shall have access to the books, accounts and other documents of the Institution at all reasonable times, and may call for such explanations and information as they may require, or examine any officer of the Institution.

(4) The auditors shall forward their report to the <sup>1</sup>[Federal Government] together with an audited copy of the accounts of the Institution.

**34. Annual reports.** The Institution shall submit to the <sup>1</sup>[Federal Government] an annual report of its work and activities.

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<sup>1</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

**35. Valuation of assets and liabilities.** The Institution shall, at intervals of not more than five years, have a valuation of its assets and liabilities:

Provided that the <sup>1</sup>[Federal Government] may direct a valuation to be made at such other times as it may consider necessary.

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## CHAPTER V

### BENEFITS

**36. Sickness benefit.**—(1) An insured person who is certified by a medical practitioner to be incapable of attending to his work on account of sickness shall be entitled to receive sickness benefit at the rate specified in the Schedule, if during the six calendar months immediately preceding the date on which his incapacity for work was so certified, contributions in respect of him were paid or payable for not less than ninety days.

(2) Sickness benefit shall be paid throughout the period of sickness of an insured person but for not more than ninety-one days in any continuous period of three hundred and sixty-five days:

Provided that no sickness benefit shall be paid for the first three days of sickness, unless it is sickness following, within fifteen days, another sickness for which sickness benefit was paid.

**37. Maternity benefit.** An insured woman shall be entitled to receive maternity benefit at the rate specified in the Schedule, if contributions in respect of her were paid or payable for not less than one hundred and eighty days during the twelve calendar months immediately preceding the date from which she claims the benefit, and such benefit shall be paid for all days on which she does not work for remuneration during a period of twelve weeks, of which not more than six weeks shall precede the expected date of confinement.

**38. Death grant incase of death following sickness.** On the death of an insured person receiving or entitled to receive sickness benefit or medical care at the time of his death, the surviving widow or widower, or if there be no surviving widow or widower, the person who provided for the funeral, shall be entitled to a death grant equal to the daily rate of sickness benefit multiplied by thirty, but in no case less than fifty rupees.

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<sup>1</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

**39. Medical care during sickness and maternity.**—(1) An insured person and his dependants shall be entitled to medical care for so long as he is or would be entitled to sickness benefit, whether he is or is not incapacitated for work, and after the termination of the period of sickness benefit, the insured person shall be entitled to medical care for thirty days and thereafter for such period and to such items of medical care, if any, as may be prescribed in respect of any disease.

(2) An insured woman shall be entitled to pre-natal, confinement and post-natal medical care, if she is entitled to maternity benefit under section 37 and to pre-natal medical care if during the six calendar months immediately preceding her claim, contributions in respect of her were paid or payable for not less than ninety days.

**40. Injury benefit.** An insured person shall be entitled to receive injury benefit at the rate specified in the Schedule in respect of any day on which, as a result of an employment injury, he is incapable of work, but for not more than one hundred and eighty days, except for the first three days including the day on which the inquiry was received, for which days the employer shall pay to the insured person full wages.

**41. Disablement pension.**—(1) An insured person who sustains total or partial disablement shall be entitled to receive disablement pension at the rate specified in the Schedule upon the expiration of his entitlement to injury benefit.

(2) Disablement pension shall terminate with the death of the recipient or when disablement ceases or ceases to be total or partial disablement:

Provided that if a disablement pension has been paid for five years, it shall be payable for life.

**42. Disablement gratuity.**—(1) An insured person who sustains minor disablement shall be entitled to a disablement gratuity at the rate provided in the Schedule.

(2) Where a person receiving disablement pension ceases to suffer from total or partial disablement but continues to suffer from minor disablement, he shall, on the termination of his disablement pension, be entitled to disablement gratuity.

**43. Survivors' pension.**—(1) Where an insured person dies as a result of an employment injury, survivors' pension shall be payable to his dependants as follows, that is to say,—

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- (a) to the widow during life, an amount equal to three-fifths of the full rate of total disablement pension provided in paragraph 8(a) of the Schedule and where there are two or more widows, the amount of pension shall be divided equally between them;
- (b) to each dependant child an amount equal to one-fifth of the full rate of total disablement pension provided in paragraph 8(a) of the Schedule:

Provided that if the child is a full orphan the amount shall be two-fifths of such full rate.

(2) In case the deceased person does not leave a widow, a survivors' pension shall be payable for life to a dependant father or mother equal to one-fifth of the full rate of the total disablement pension provided in paragraph 8(a) of the Schedule:

Provided that if and so long as the total of the dependants' pension distributed among the widow or widows, dependant children, or dependant children and parents, exceeds the full rate of disablement pension the share of each of the survivors shall be reduced proportionately so that the total amount payable to them does not exceed the amount of the said full rate.

(3) Survivors' pension shall be payable upon the death of the insured person and shall be terminated upon the death of the dependant child or parent or widow, upon the widow's marriage, or upon the child having attained the age of sixteen years, as the case may be.

**44. Death grant in case of death resulting from employment injury.** Where an insured person dies as a result of an employment injury, or when he is in receipt of a total disablement pension, the widow or widower, or if there is no widow or widower, the person who provided for the funeral, shall be entitled to a death grant equal to the daily rate of injury benefit multiplied by thirty, but in no case less than fifty rupees.

**45. Medical care in case of employment injury.**— (1) When medical care is required as a result of an employment injury,—

- (a) no conditions as regards payment of contribution shall apply ;
  - (b) it shall be afforded for so long as required and shall include dental care in addition to the services referred to in section 46 ;
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(c) the provisions of section 46 in so far as they relate to sharing of cost shall not apply.

(2) A person in receipt of a disablement pension (in case the loss of his earning capacity is at least fifty percent. of the average rate of his earning in the usual occupation) or injury benefit and his dependants, and where the disablement pension is being received by the dependants of the insured person such dependants, shall be entitled to medical care for so long as the disablement pension or injury benefit, as the case may be, continues, and in the case of a disablement pension being received by the insured person for six months after the termination of the pension.

**46. Content of medical care.**—(1) Medical care shall include-

- (a) general practitioner care, including domiciliary visiting;
- (b) specialist care in hospitals for in-patients and out-patients and such specialist care as may be available outside hospitals ;
- (c) essential pharmaceutical supplies as prescribed by medical or other qualified practitioners ;
- (d) hospitalisation where necessary, including cases of pregnancy and confinement ;
- (e) pre-natal, confinement and post-natal care, either by medical practitioners or by qualified midwives.

(2) Regulations may provide that the beneficiary shall be required to share the costs of medical care referred to in clauses (a) and (c) of sub-section (1), and of medical care referred to in clause (b) of that sub-section if it is provided outside hospitals but in no case the beneficiary's share of such costs shall be more than one-fifth.

**47. Manner of providing medical care.**—(1) Regulations shall specify the manner in which medical care shall be provided.

(2) The Institution may, with the approval of the appropriate Government, establish and maintain such hospitals, dispensaries and other facilities as it finds necessary for providing medical care in pursuance of the provisions of this Ordinance.

(3) The Institution may buy or import and dispense pharmaceutical supplies direct to the beneficiaries.

(4) The Institution may enter into agreements with the appropriate Government, establish and maintain such hospitals, dispensaries and to the provision of medical care to persons entitled to it under this Ordinance.

(5) The Institution may enter into an agreement with an employer who maintains a hospital or dispensary or any other medical facility for the benefit of his employees for the utilisation of such hospital, dispensary or facility for the purposes of the Institution, and such agreement may, among other things, specify persons to whom medical care shall be provided, the type of benefits to be made available, the minimum level of such benefits, the conditions under which such benefits shall be provided the extent of supervision which the Institution may exercise the submission of reports to the Institution by the employer and the extent and manner of reimbursement to the employer.

**48. Institution's power to promote measures for health, welfare, etc., of insured persons.**

The Institution may, in addition to the benefits specified in this Ordinance, undertake other measures for improving the health and welfare of insured persons and for the rehabilitation and settlement of such insured persons as might have been disabled or injured, and may for that purpose incur expenditure from the Employees, Social Insurance Fund to such extent as may be prescribed.

**49. Claims for benefits.**—(1) All claims for benefits under this Ordinance shall be made in such form and manner, and shall be accompanied by such documents, information and evidence as to entitlement as may be specified in the regulations.

(2) No claim for any benefit under this Ordinance shall be payable, unless it is duly preferred within six months, or in the case of disablement pension, survivors' pension and disablement gratuity, within twelve months of its accruing due, and every claim not so preferred shall be deemed to have been extinguished.

(3) Subject to the provisions of this Ordinance, payment in respect of benefits may be made weekly or monthly or at other intervals, or, in the case of small amounts, in lump sums, according as the regulations may provided

**50. Benefit not assignable or attachable.**—(1) The right to receive any payment in respect of any benefit under this Ordinance shall not be transferable or assignable.

(2) No benefit payable under this Ordinance shall be liable to attachment or sale in execution of any decree or order of any court.

**51. Exemption from stamp duty.** Stamp duty shall not be chargeable upon any draft or order or receipt in respect of any benefit payable under this Ordinance.

**52. Non-duplication of benefits.**—(1) An insured person shall not be paid for the same period more than one of the benefits referred to in sections 36, 37 and 40, namely, sickness benefit, maternity benefit and injury benefit, and where any person is entitled to more than one of these benefits he shall be given only one benefit which he chooses.

(2) No person shall be entitled to sickness benefit or maternity benefit or injury benefit for any day for which he receives wages.

**53. Repayment of benefit improperly received.** When a person has received any benefit or payment under this Ordinance to which he is not lawfully entitled, he shall be liable to repay to the Institution the value of the benefit or the amount of such payment, or in the case of his death, his representative shall be liable to repay the same from the assets of the deceased, if any, in his hands:

Provided that the Institution may waive repayment where there was no misrepresentation on the part of the claimant and the repayment would cause undue hardship to him or, as the case may be, to his survivors.

(2) For purposes of this section, the value of any benefit received, other than in cash, shall be determined in accordance with regulations.

(3) The amount recoverable under this section may be recovered as an arrear of land revenue.

**54. Institution's right to recover damages from employer in certain cases.** Where, according to the finding of a court, an employment injury was sustained by an insured person by reason of a wrongful act of the employer or his agent, the employer or his agent shall reimburse the institution for the actuarial present value of the periodical payments or the amount of any lump sum payment which the Institution is liable to make under this Ordinance, such actuarial value shall be determined in accordance with the regulations.

**55. Institution's right to be indemnified in certain cases.** Where an insured person is entitled to receive or to recover (but has not received or recovered) from any person, compensation or damages in respect of any sickness or employment injury caused under circumstances creating a legal liability in some person other than, in case of employment injury, the employer or his agent, the Institution shall be entitled to be indemnified by the person so liable.



## CHAPTER VI

### DETERMINATION OF QUESTIONS AND CLAIMS

**56. Questions and claims to be decided by the authority Specified in the regulations.** All claims under this Ordinance and all questions as to—

- (a) whether any person is an insured person within the meaning of this Ordinance or whether he is liable to pay the insured person's contribution ; or
- (b) the rate of wages or average daily wages of an insured person for the purposes of this Ordinance ; or
- (c) the rate of contribution payable by employer in respect of an employee ; or
- (d) the person who is or was the employer in respect of any insured person ; or
- (e) any benefit and the amount and duration thereof ; or
- (f) any other matter in respect of any contribution or benefit or other dues payable or recoverable under this Ordinance ;

shall be decided by such authority and in such manner as the regulations may provide.

**57. Medical Boards to assess disablement.** All questions as to the assessment of the degree of disablement shall be determined by a medical board appointed under section 18.

**58. Decisions to be in writing in certain cases.**—(1) When the authority referred to in section 56 decides to reject or reduce any claim for a benefit under this Ordinance, it shall record its decision in writing stating therein reasons for such rejection or reduction and shall communicate the decision to the claimant concerned.

(2) The said authority may, in new facts being brought to its notice, review a decision given by it on any claim or question:

Provided that no decision shall be so reviewed after six months from the date on which it is given.

**59. Appeal from authority's decision.** Any person aggrieved by a decision of the authority referred to in section 56 may appeal to an insurance court constituted under section 60 or to a local committee appointed under section 18, in accordance with the regulations.

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**60. Constitution of insurance court.**—(1) The appropriate Government may, for purposes of this Ordinance, constitute by notification in the official Gazette, a court hereinafter referred to as the insurance court for any insurance area or areas specified in the notification.

(2) An insurance court shall consist of three members to be appointed by the appropriate Government.

(3) Any person who is or has been a judicial or law officer or a legal practitioner shall be qualified to be appointed as a member of an insurance court.

(4) All decisions of an insurance court shall be taken by majority.

**61. Jurisdiction of insurance courts.** Except where appeals lie to a local committee in accordance with the provisions of the regulations, an insurance court shall have exclusive jurisdiction to hear and decide appeals from decisions of the authority referred to in section 56 in respect of all claims and questions arising in the insurance area.

**62. Transfer of appeals from one insurance court to another.** Appeals may be transferred from one insurance court to another in such manner and in such circumstances as may be specified in the regulations.

**63. Powers of insurance courts etc.**—(1) An insurance court shall have all the powers of a civil court for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence, and such a court shall be deemed to be a civil court within the meaning of section 195 of the Code of Criminal Procedure, 1898 ([Act V of 1898](#)).

(2) Notwithstanding anything contained in any other law, an insurance court may for the purpose of deciding any appeal examine such witnesses and take such evidence as it considers necessary.

(3) Subject to regulations, an insurance court may make such order with regard to costs incidental to any appeal as it thinks fit.

(4) An order of the insurance court shall be enforceable as if it were a decree of a civil court.

(5) A person shall be guilty of contempt of an insurance court if he, without lawful excuse,-

(a) offers any insult to the insurance court or any member thereof while the court is functioning as such ; or

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- (b) causes any interruption in the work of the insurance court ; or
- (c) fails to produce or deliver a document when ordered by the insurance court to do ; or
- (d) refuses to answer any question of the insurance court which he is bound to answer ; or
- (e) refuses to take oath to state the truth or to sign any statement made by him when required by the insurance court to do so ;

and the insurance court may, without any complaint having been made to it forthwith try such person for such contempt and sentence him to a fine not exceeding fifty rupees.

**64. Appearance by legal practitioners, etc.** Any application, appearance or act required to be made or done by any person to or before an insurance court (other than appearance of a person required for the purposes of his examination as a witness) may be made or performed by a legal practitioner or by an officer of a registered trade union authorized in writing by such person, or, with the permission of the court, by any other person so authorized.

**65. Appeal.**—(1) Save as expressly provided in this section, no appeal shall lie from an order of an insurance court.

(2) An appeal shall lie to the High Court from an order of an insurance court if it involves a substantial question of law.

(3) The period of limitation for an appeal under this section shall be thirty days.

(4) The provisions of sections 5 and 12 of the Limitation Act, 1908, ([IX of 1908](#)) shall apply to appeals under this section.

**66. Stay of payment pending appeal.** Where the Institution has appealed against an order of an insurance court, that court may, and if so directed by the High Court, shall, pending the decision of the appeal, withhold the payment of any sum directed to be paid by the order appealed against.

## CHAPTER VII

### PENALTIES

**67. Offences and penalties.**-(1) If any person-

- (a) for the purpose of obtaining the allowance or denial of any payment or benefit under this Ordinance whether for himself or some other person or for the purpose of avoiding any payment to be made by himself or any other person under this Ordinance-
  - (i) knowingly makes or causes to be made any false statement or false representation; or
  - (ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular; or
- (b) fails to pay any contribution which under this Ordinance he is liable to pay; or
- (c) recovers or attempts to recover from an insured person or deducts or attempts to deduct from his wages the whole or any part of the employer's contribution; or
- (d) fails or refuses to submit any return required by the regulations or makes a false return; or
- (e) obstructs any official of the Institution in the discharge of his duties; or
- (f) is guilty of any contravention of or non-compliance with any of the requirements of this Ordinance or the rules or regulations;

he shall be punished with imprisonment which may extend to three months or with fine not exceeding one thousand rupees or with both.

**68. Prosecutions.**-(1) No prosecution under this Ordinance shall be instituted except with the previous sanction of the Director-General or of an officer authorized by him in writing in this behalf.

(2) No court inferior to that of a Magistrate of the first class shall try any offence under this Ordinance.

(3) No court shall take cognizance of any offence under this Ordinance except on a complaint made in writing within six months of the date on which the offence is discovered.

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## CHAPTER VIII

### MISCELLANEOUS

**69. Contributions, etc., to have priority over other debts.** In any proceedings of insolvency against a person or proceedings for the winding up of a company, any contribution or other amount payable under this Ordinance by such person or company shall be deemed to be included among debts to be paid in priority to all other debts.

**70. Exemption from taxes.** Notwithstanding anything contained in any other law the <sup>1</sup>[Federal Government] or the Provincial Government may, by order in writing, exempt the Institution from any tax, rate or duty leviable by such Government or by a local authority under the control of such Government.

**71. Exemption from Chapters III and V and levy of special tax.**-(1) The <sup>1</sup>[Federal Government] may, after consultation with the Institution, by notification in the official Gazette, exempt any area or establishment from the operation of the provisions of Chapters III and V and shall in such area or establishment levy a tax equal to two percent of the total wages paid by the employer.

(2) The said tax shall be assessed and collected in such manner as may be prescribed and the proceeds thereof shall be paid into a special account in the Employees' Social Insurance Fund and shall be utilized for building up and improving medical facilities with a view to providing in due course medical care under this Ordinance to the employees of the area or establishment.

**72. Review and modification of wage class.**-(1) In September of each year the Governing Body shall review the wage classes and the rates of benefit specified in the Schedule in the light of any changes in wage levels or living costs and shall submit a report together with its recommendations to the <sup>1</sup>[Federal Government].

(2) The <sup>1</sup>[Federal Government] may, after considering the said report and recommendations, by notification in the official Gazette, enhance or reduce the wage limits specified in the sub-section (4) of section 21 and the wage limits and rates of benefit and pension specified in the Schedule.

**73. Employer not to dismiss or punish employee during the period of sickness, etc.**-(1) No employer shall dismiss, discharge, or reduce or otherwise punish an employee during the period the employee is in receipt of sickness benefit, maternity benefit, injury benefit or medical care.

(2) No notice of dismissal or discharge or reduction given to an employee during the period specified in sub-section (1) shall be valid or operative.

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<sup>1</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

**74. Bar of benefits under other laws.** When a person is entitled to any of the benefits provided by this Ordinance, he shall not be entitled to any similar benefit under any other law.

**75. Suit for damages in a civil court.** No suit for damages shall be instituted by an insured person against his employer in any civil court in respect of employment injury covered by this Ordinance.

**76. Members and servants of the Institution to be public servants.** The members of the Governing Body and every servant of the Institution shall be deemed to be a public servant within the meaning of the Pakistan Penal Code ([XLV of 1860](#)).

**77. Removal of difficulties.**-(1) If any difficulty arises in giving effect to the provisions of Chapters III and V, the <sup>1</sup>[Federal Government] may, by order notified in the official Gazette, make such provision or give such direction as appears to it to be necessary for the removal of the difficulty.

(2) Any order made under sub-section (1) shall have effect notwithstanding anything inconsistent therewith in any rules or regulations.

**78. Delegation of powers.** The Governing Body may direct that all or any of its powers and functions may, in relation to such matters and subject to such conditions, if any, as may be specified, be also exercisable by the Director-General, Deputy Director-General or any officer or authority subordinate to the Institution.

**79. Power to make rules.**-(1) The <sup>1</sup>[Federal Government] may, subject to the condition of previous publication, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(1) the manner in which lists of persons from whom members of the Governing Body may be appointed shall be drawn by organizations of employers and employees;

(2) the manner of establishing provincial institutions and the constitution, composition and powers of such institutions;

(3) powers and functions of the Governing Body;

(4) fees and allowances of the members of the Governing Body and Medical Advisory Council;

(5) rate of, and conditions pertaining to, contributions; the ratio of employer's contribution and employee's contribution;

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<sup>1</sup> Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

- (6) manner of calculating daily wages for the purpose of determining the amount of contribution;
- (7) determination of wages by the Director-General where mode of payment of remuneration makes it difficult to determine such wages;
- (8) percentage or amount by which contributions due may be increased under section 24;
- (9) increase of employers contribution where rules of safety or hygiene are not observed by employer;
- (10) officers of the Institution who may receive moneys or make payments on behalf of the Institution;
- (11) purposes for which separate accounts may be maintained in the Employees' Social Insurance Fund;
- (12) conditions applying to security reserves;
- (13) investment of surplus moneys; raising and repayment of loans;
- (14) the preparation of budget; the form and manner in which the Institution shall maintain accounts and the manner in which accounts shall be audited;
- (15) the period and the items of medical care for which an insured person shall be entitled in respect of any disease after the expiry of thirty days from the termination of sickness benefit;
- (16) extent to which the Institution may incur expenditure on measures for improving the health and welfare of insured persons and for rehabilitating and settling disabled persons;
- (17) assessment and collection of tax under section 71; and
- (18) any other matter which is required or allowed by this Ordinance to be prescribed.

**80. Power to make regulations.**-(1) The Governing Body may, subject to the condition of previous publication, by notification in the official Gazette, make regulations not inconsistent with the provisions of this Ordinance or the rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (1) the authority by which and the manner in which a medical practitioner may be authorized to give a certificate required under any provision of this Ordinance; the form of such certificate; the duties of medical practitioner;
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- (2) occupational diseases which may amount to employment injury;
  - (3) time and place for the meetings of the Governing Body, and Medical Advisory Council;
  - (4) duties of the Medical Advisory Council;
  - (5) extent of contributions which remaining unpaid a person shall be disqualified to be a member of the Governing Body or of the Medical Advisory Council;
  - (6) the manner in which contributions shall be assessed and collected;
  - (7) areas for which and the manner in which regional boards, local committees and medical bodies may be appointed ;
  - (8) the powers and functions of the regional boards, local committees and medical boards and fees and allowances to be paid to their members;
  - (9) powers of the Director-General with regard to appointment, transfer, promotion, dismissal and other matters affecting the staff of the Institution;
  - (10) powers of the Governing Body to employ officers and staff in headquarters office of the Institution and in offices of the Provincial institutions;
  - (11) the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of officers and servants of the Institution;
  - (12) manner of making deductions in respect of employee's contribution where whole or part of the wages are not payable by employer;
  - (13) records to be kept by employers, returns to be submitted by them; form of such returns, and particulars relating to employees to be stated in such returns;
  - (14) the manner in which any benefit including medical care shall be provided and conditions applying to benefits;
  - (15) the extent to which and the manner in which rights of insured persons shall be safeguarded in the event of default of payment of contribution by employers;
  - (16) sharing of costs of medical care by beneficiaries, subject to sub-section (2) of section 46;
  - (17) form and manner in which claims for benefits shall be made, and the documents, information and evidence which shall accompany such claims;
  - (18) determination of the value of any benefit for the purpose of repayment to the Institution;
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- (19) determination of the actuarial present value of any payments for which the Institution become liable on account of employment injury sustained by an insured person by reason of a wrongful act of the employer or his agent;
- (20) the authority by which and the manner in which claims and questions shall be decided;
- (21) the cases in which and the manner in which appeals shall be made to the insurance court or to a local committee;
- (22) the circumstances and the manner in which appeals may be transferred from one insurance court to another;
- (23) awarding of costs incidental to any appeal;
- (24) the manner in which supplies for the use of the Institution shall be obtained and immovable property hired or acquired, and such supplies or property shall be sold or disposed of; and
- (25) any other matters not provided for in the Ordinance or rules and necessary to give effect to the provisions of this Ordinance.

**81. Supersession of certain laws and insurance policies.**-(1) Workmen's compensation and maternity benefit payable under the Workmen's Compensation Act, 1923 ([VIII of 1923](#)), the Employer's Liability Act, 1938 ([XXIV of 1938](#)), the Mines Maternity Benefit Act, 1941 ([XIX of 1941](#)), or under any other law shall not be payable in respect of any employment on or after the appointed day and the enactments and law aforesaid shall, in so far as they are inconsistent with the provisions of this Ordinance, cease to have effect.

(2) As from the appointed day, any insurance policy made by the employer towards insuring his liability for employment injury arising out of the Workmen's Compensation Act, 1923 ([VIII of 1923](#)), shall be terminated, and the insurer shall be liable to refund such portion, if any, of the premia already paid as may be prescribed.

## THE SCHEDULE

(1) For the purpose of computing sickness benefit, maternity benefit and injury benefit, the insured person shall be assigned to the wage class specified in the first column of the Table appended to this Schedule (hereinafter referred to as the Table) on the basis of his average daily wages, as determined in paragraphs (2) and (3) below, as appropriate. Apprentices who do not receive any wages shall be assigned to the first wage class in that Table.

(2) For purposes of sickness and maternity benefit, an insured person's average daily wages shall be determined by dividing the wages liable to contribution which he received in the three calendar months preceding the month in which his incapacity occurred, or the month in which she stopped work in anticipation of confinement by the difference between 90 and the number of days for which he or she received sickness benefit, maternity benefit or injury benefit during the same period; if he or she received no wages liable to contribution during that period, he or she shall be assigned to the first wage class in the Table.

(3) For the purposes of injury benefit the average daily wages of an insured person shall be determined by dividing the wages liable to contribution which he received in the three calendar months preceding the month in which employment injury occurred by the number of days he worked:

Provided that if he did not receive any wages in the said three months, his average daily wages shall be computed by dividing the wages which he received during the month in which the injury occurred by the number of days for which he received such wages:

Provided further, that if he had received no wages prior to the employment injury, his average daily wages shall be the wages specified in his contract of employment.

(4) For the wage classes specified in column 1 of the Table the daily rate of sickness benefit, maternity benefit and injury benefit shall be the amount specified in the second and third columns of the Table:

Provided that in no case shall the daily rate of maternity benefit be less than Re. 1.12.

(5) Sickness benefit, maternity benefit and injury benefit shall be payable for seven days per week.

(6) Sickness benefit and injury benefit payable to an insured person without dependants shall be reduced by half during any period during which he is undergoing medical or other treatment as an in-patient in a hospital or similar institution.

(7) If an insured person entitled to sickness benefit or injury benefit in respect of a period of incapacity for work receives wages from his employer in respect of that period, the rate of sickness benefit or injury benefit shall be reduced, if necessary, to that amount which, if added to the wages paid, would reach a total not exceeding his average daily wage.

(8) (a) The monthly rate of disablement pension in case of total disablement shall be equal to the daily rate of injury benefit multiplied by thirty;

(b) the monthly rate aforesaid shall be increased by 50 percent. where as a result of the disablement, the pensioner requires constant attendance.

(9) The monthly rate of disablement pension in case of partial disablement shall be equal to that percentage of the rate of disablement pension referred to in paragraph (8) (a) as is represented by the insured person's degree of partial disablement increased by one-half.

(10) The amount of disablement gratuity shall be equal to six times the monthly rate of the disablement pension referred to in paragraph (8) (a) above.

## THE TABLE

Wage-classes	Rate of sickness and maternity benefit .	Rate of injury benefit.
1	2	3
	Rs.	Rs.
1. Insured persons whose average daily wages are below Rs. 2.00.	0.75	0.94
2. Insured persons whose average daily wages are Rs. 2 and above but below Rs. 3.00.	1.25	1.50
3. Insured persons whose average daily wages are Rs. 3 and above but below Rs. 4.00.	1.75	2.12
4. Insured persons whose average daily wages are Rs. 4 and above but below Rs. 6.00.	2.50	3.00
5. Insured persons whose average daily wages are Rs. 6 and above but below Rs. 8.00.	3.50	4.25
6. Insured persons whose average daily wages are Rs. 8 and above but below Rs. 12.00.	5.00	6.00
7. Insured persons whose average daily wages are Rs. 12 and above but below Rs. 16.00	7.00	8.44
8. Insured persons whose average daily wages are Rs. 16 and above.	10.00	12.00

