

The War Injuries Ordinance, 1941

(Ordinance NO. VII OF 1941)

An Ordinance to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of hostilities.♣

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

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

- Short title, extent and commencement**
1. (1) This Ordinance may be called the War Injuries Ordinance, 1941.
 - (2) It extends to the whole of ¹[Bangladesh].
 - (3) It shall come into force at once.

- Interpretation**
2. In this Ordinance, unless there is anything repugnant in the subject or context,-
 - (1) “civil defence organisation” means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Ordinance and the scheme;
 - (2) “civil defence volunteer”, in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the Government to grant such certificates, to have been a member of that organisation at the time the injury was sustained;
 - (3) “continuance of hostilities” means,-
 - (a) in relation to the hostilities during 1939 1945, the period beginning with the commencement of this Ordinance and ending on the date declared by

the late Government of India to be the date on which the said hostilities terminated; and

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

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

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

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

(a) caused by-

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

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

(iii) the doing of any other injurious act,

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

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

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

(7) “war service injury”, in relation to a civil defence volunteer, means any physical injury shown to the satisfaction of the Government or other

authority authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity:

Provided that before being so satisfied the Government or other authority authorised to make payments under a scheme shall have received from the civil defence organisation of which the volunteer concerned was a member at the time the injury was sustained, a report, by an officer of the organisation authorised by the Government to make such reports, about the injury in question.

Power to make schemes for relief in respect of war injuries and war service injuries

3. (1) The Government may make a scheme or schemes in accordance with the provisions of this Ordinance providing for the grant of relief in respect of the following injuries sustained during the continuance of hostilities, namely:-

(a) war injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in the scheme) and by persons of such other classes as may be so specified; and

(b) war service injuries sustained by civil defence volunteers.

(2) A scheme may authorise the Government, or any authority authorised by the Government to make payments under the scheme, in such circumstances and subject to such conditions as may be specified in the scheme, to make to or in respect of persons injured-

(a) payments by way of temporary allowance, which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in clause (b);

(b) payments otherwise than by way of temporary allowance, which shall be payable only where the injury causes serious and prolonged disablement or death; and