

(The Workmen's Compensation (Transfer of Money, India) Rules, 1938)

No. 81

The 19th February 1938.

No. 81.- The Governor of Burma makes the following rules, under section 35 of the Workmen's Compensation Act, for the transfer to India of money paid to a Commissioner under the Act:-

RULES.

PART I.

1. (1) These rules may be called **the Workmen's Compensation (Transfer of Money, India) Rules, 1938.**
(2) The Workmen's Compensation (Transfer of Money) Rules, 1935, shall cease to be applicable to transfers of money from Burma to India or from India to Burma.
2. In these rules, unless there is anything repugnant in the subject or context-
 - (a) "authorized officer" means an authorized officer appointed by the Governor of Burma under the Workmen's Compensation (Transfer of Money) Rules, 1935;
 - (b) "section" means a section of the Workmen's Compensation Act, 1923;
 - (c) "transferring authority" means the authority in India who transfers or causes to be transferred any lump sum deposited under the law relating to Workmen's Compensation in India as compensation awarded to or due to any person residing or about to reside in Burma.
3. When any sum is transmitted by an authority in Burma to any other authority in accordance with these rules, the costs of such transmission may be deducted from the sum so transmitted.

PART II.

FATAL ACCIDENTS.

Transfer of money received by a Commissioner for the benefit of dependents residing or about to reside in India.

4. When compensation has been deposited with a Commissioner in respect in a workman, whose injury has resulted in death, and it appears to the Commissioner after proceeding under sub-section (4) of section 8, that all persons with a prima facie claim to payment as dependents are residing or are about to reside in India, he shall cause a notice to be sent to the employer concerned asking him to state whether he

consents to the transfer of the sum so deposited to India before the Commissioner has passed orders determining its distribution and apportionment in accordance with the provisions of the Act.

5. Where the consent of the employer to such transfer is withheld, the Commissioner shall proceed in accordance with sub-section (5) of section 8 and, thereafter, may dispose of the sum in accordance with Rules 11, 12 and 13.
6. Where the employer has communicated his consent to such transfer, the Commissioner may order the transfer of the sum to India.
7. When the Commissioner has ordered the transfer of any sum under Rule 6, he shall cause to be prepared and shall certify under his hand a memorandum containing a brief statement of the facts of the case, of the orders passed upon it and of the names and addresses of any persons who appear to him to have a prima facie claim to payment as dependents.
8. If the Commissioner is not himself the authorized officer he shall forward the memorandum in duplicate to the authorized officer, but shall retain the sum to which it relates until he receives the directions of the authorized officer. If the Commissioner is himself the authorized officer he shall proceed as provided in Rule 9.
9. The authorized officer, after satisfying himself that the memorandum is complete, shall forward it, and in cases where this is necessary direct the Commissioner to forward the sum to which it relates by remittance transfer receipt, or, if the amount involved is less than Rs. 25, by money order, to the appropriate authority appointed in this behalf in India and shall at the same time request the authority addressed-
 - (a) to arrange for distribution and administration of the sum remitted; and
 - (b) to furnish him with a report of the action taken upon the memorandum and return any sum the payment of which is for any reason impossible.
10. (1) The authorized officer shall, if he is not the Commissioner with whom the matter originated, forward to such Commissioner a copy of any report received in response to a request made under Rule 9.
(2) Any sum returned in accordance with Rule 9 shall be disposed of in accordance with the Act.

PART III.

NON-FATAL ACCIDENTS.

Transfer of money paid to a Commissioner for the benefit of any person residing or about to reside in India.

11. When compensation has been deposited with a Commissioner in cases other than those mentioned in Rule 4, and the whole or any part of it is payable to person residing or about to reside in India, the Commissioner may order the transfer to that country of the whole or any part of the sum so payable.
12. When the Commissioner has ordered the transfer of any sum under Rule 11 he shall cause to be prepared and shall certify under his hand a memorandum containing a brief statement of the facts of the case, of the orders passed upon it and of the name and address of each person to whom payment is to be made.
13. If the Commissioner is not himself the authorized officer he shall forward the memorandum in duplicate to the authorized officer, but shall retain the sum to which it relates until he receives the directions of the authorized officer. If the Commissioner is himself the authorized officer, he shall proceed as provided in the rule next following and Rule 10.
14. The authorized officer after satisfying himself that the memorandum is complete, shall forward it, and direct the Commissioner to forward the sum to which it relates by remittance transfer receipt or if the amount involved is less than Rs. 25, by money order, to the appropriate authority appointed in this behalf in India and shall at the same time request the authority addressed-
 - (a) to arrange for payment to be made in accordance with the directions contained in the memorandum; and
 - (b) to furnish him with a report of the action taken upon the memorandum and return any sum the payment of which is for any reason impossible.

PART IV.

Receipt and administration in Burma of any money deposited under the law relating to workmen's compensation in India.

15. (1) The authorized officer shall be the proper authority to receive moneys from the transferring authority.
(2) If any Commissioner or other Government servant, not being the authorized officer, receives any sum from the transferring authority he shall either forward such sum, together with any papers relating thereto, to the authorized officer for disposal or obtain the instructions of the authorized officer as to the disposal of the sum and papers and act in accordance with his instructions.
16. If the money received has been awarded to be paid to a specified person or persons, the authorized officer may himself dispose of such sums, or part of such sums, which he receives or of which he assumes control under Rule 15 or may send it, or any part of it, in accordance with Rule 21 for disposal to such Commissioner or Commissioners as he considers proper.

17. If the transferring authority requests that proceedings for distribution should be conducted, the authorized officer shall, if he is not himself the Commissioner, send the sum with any connected documents to such Commissioner or Commissioners as he considers proper for distribution and disposal.
18. All sums received from the transferring authority shall be disposed of, and all proceedings conducted, as far as possible, in accordance with the provisions of the Workmen's Compensation Act, 1923, and the rules made under the said Act for the area where the Commissioner exercises jurisdiction, provided that the directions, if any, received from the transferring authority as to the manner in which the sum should be administered shall be complied with.
19. (1) The authorized officer shall forward to the transferring authority a report showing how the sum received from his has been disposed of.
- (2) Any Commissioner, not being the authorized officer, who has disposed of any part of the sum, shall make a report in duplicate as to the disposal of that part to the authorized officer, and, if the sum was received by him from another such Commissioner acting in accordance with section 21, shall forward his report through that Commissioner.
20. Any part of the sum received from the transferring authority which shall have remained undisbursed after the completion of the proceedings shall be returned to the transferring authority by, or under the direction of, the authorized officer.
21. Money transmitted by any authority in Burma to any other authority in Burma in accordance with these rules shall be transmitted by remittance transfer receipt or if the amount involved is less than Rs. 25, by money order.

----- Footnote -----

[ပင်ရင်း- ၁၉.၂.၁၉၃၈ ရက်နေ့ထုတ် ပြန်တမ်းမှ ကူးယူတင်ပြသည်။]