

# The Employee's Compensation (Transfer of Money) Rules, 1935<sup>1</sup>

In exercise of the powers conferred by Section 35 of the <sup>2</sup>[Employees'] Compensation Act, 1923 (8 of 1923), the Governor-General-in-Council is pleased to make the following rules for the transfer to any part of His Majesty's Dominions or to any other country of money paid to a Commissioner under the Act for the benefit of any person residing or about to reside in such part or country and for the receipt and administration in British India of any money awarded under the law relating to <sup>3</sup>[Employees'] compensation in any part of His Majesty's Dominions or in any other country, and applicable for the benefit of any person residing or about to reside in British India.

## PART I GENERAL

1. (1) These rules may be called the <sup>4</sup>[Employee's] Compensation (Transfer of Money) Rules, 1935.

(2) They extend to the whole of India [\* \* \*]<sup>5</sup>

2. In these rules, unless there is anything repugnant in the subject or context,—

(a) "the Act" means the <sup>6</sup>[Employees'] Compensation Act, 1923 (8 of 1923);

(b) "authorised officer" means any officer whom the State Government may designate either generally or in respect of any area or class of cases, for the purpose of performing the functions assigned by these rules to the authorised officer;

(bb) <sup>7</sup>[\* \* \*]

(c) "transferring authority" means any authority in any <sup>8</sup>[\* \* \*] country who transfers or causes to be transferred any lump sum awarded under the law relating to <sup>9</sup>[Employees'] compensation in such <sup>10</sup>[\* \* \*] country and applicable for the benefit of any person residing or about to reside in India.

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1. Government of India, Department of Industries and Labour, Noti. No. L-3033, dt. 13-3-1935.
  2. *Subs.* for "Workmen's" by G.S.R. 1466(E), dt. 28-11-2017 (w.e.f. 28-11-2017).
  3. *Subs.* for "Workmen's" by G.S.R. 1466(E), dt. 28-11-2017 (w.e.f. 28-11-2017).
  4. *Subs.* for "Workmen's" by G.S.R. 1466(E), dt. 28-11-2017 (w.e.f. 28-11-2017).
  5. The words "except the State of Jammu and Kashmir" *omitted* by G.S.R. 400, dt. 20-6-1991 (w.e.f. 6-7-1991).
  6. *Subs.* for "Workmen's" by G.S.R. 1466(E), dt. 28-11-2017 (w.e.f. 28-11-2017).
  7. *Omitted* by G.S.R. 400, dt. 20-6-1991 (w.e.f. 6-7-1991).
  8. The words "part of His Majesty's Dominions or in any other" *omitted* by G.S.R. 400, dt. 20-6-1991 (w.e.f. 6-7-1991).
  9. *Subs.* for "Workmen's" by G.S.R. 1466(E), dt. 28-11-2017 (w.e.f. 28-11-2017).
  10. The words "part or" *omitted* by G.S.R. 400, dt. 20-6-1991 (w.e.f. 6-7-1991).

3. When any sum is transmitted by any authority in India to any other authority in accordance with these rules, the cost of such transmission may be deducted from the sum so transmitted.

4. Money transmitted by any authority in India to any other authority in India in accordance with these rules, shall be transmitted by remittance transfer receipt or by money order.

## PART II

### TRANSFER OF MONEY PAID TO A COMMISSIONER FOR THE BENEFIT OF ANY PERSON RESIDING OR ABOUT TO RESIDE IN ANOTHER COUNTRY

5. When the whole or any part of a lump sum deposited with a Commissioner for payment as compensation under the Act is payable to any person or persons residing or about to reside in any other country, the Commissioner may order the transfer to that country of the sum so payable.

6. When the Commissioner has ordered the transfer of any sum under Rule 5, 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.

7. If the Commissioner is not himself the authorised officer he shall forward the memorandum in duplicate to the authorised officer and may either remit the sum to be transferred to authorised officer or retain it and dispose of it in accordance with the directions of the authorised officer. If the Commissioner is himself the authorised officer, he shall proceed as provided in Rule 8.

8. The authorised officer, after satisfying himself that the memorandum is complete, shall forward it, and remit or cause to be remitted the sum to which it relates by such means of safe transmission as he may consider convenient to the authority appointed in this behalf for the country to which the sum is to be transferred, or if no such authority has been appointed, to such authority as the State Government may by general or special order direct, 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.

9. (1) The authorised 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 8.

(2) Any sum returned in accordance with Rule 8 shall be disposed of in accordance with the Act.

## PART III

RECEIPT AND ADMINISTRATION IN INDIA OF ANY MONEY  
AWARDED UNDER THE LAW RELATING TO <sup>11</sup>[EMPLOYEES']  
COMPENSATION IN ANOTHER COUNTRY

10. (1) The authorised officer shall be the proper authority to receive moneys from transferring authorities.

(2) If any Commissioner or other Government servant, not being the authorised officer receives any sum from a transferring authority he shall either forward such sum, together with any papers relating thereto, to the authorised officer for disposal or obtain the instructions of the authorised officer as to the disposal of the sum and papers and act in accordance with his instructions.

11. The authorised officer may himself dispose of any sum or part of any sum which he receive or which he assumes control under Rule 10 or may send it or any part of it for disposal to such Commissioner or Commissioners as he considers proper.

12. All sums received from a transferring authority shall be disposed of as far as possible in accordance with the provisions of the Act and the <sup>12</sup>[Employee's] Compensation Rules, 1924:

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.

13. (1) The authorised officer shall forward to the transferring authority a report showing how the sum received from him has been disposed of.

(2) Any Commissioner, not being the authorised 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 authorised officer, and, if the sum was received by him from another such Commissioner acting in accordance with Section 21 of the Act, shall forward his report through that Commissioner.

14. 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 directions of, the authorised officer.

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11. *Subs.* for "WORKMEN'S" by G.S.R. 1466(E), dt. 28-11-2017 (w.e.f. 28-11-2017).

12. *Subs.* for "Workmen's" by G.S.R. 1466(E), dt. 28-11-2017 (w.e.f. 28-11-2017).