INDIA

1959 No. 1331

The Indian Civil Service Family Pension Fund (Amendment) Rules, 1959

Made - - - - 21*st July,* 1959

I, Alexander Frederick, Earl of Home, one of Her Majesty's Principal Secretaries of State, in exercise of the powers conferred upon me by subsection (1) of Section 273 of the Government of India Act, 1935(a), and paragraph 14 (1) of the Government of India (Family Pension Funds) Order, 1936(b), hereby make the following rules:—

1. The Indian Civil Service Family Pension Fund Rules(c) as amended(d) are hereby further amended as follows:—

(1) In Rule 10 for the word and figure "Rule 8", there shall be substituted the words and figures "Rules 8 and 26C".

(2) In sub-rule (3) of Rule 11, the following words shall be deleted:— "Donations and disparity fines payable on marriage shall be increased by 2½ per cent. if the fact of marriage is not reported within one month from the date thereof, and by 5 per cent. if the delay exceeds six months."

(3) In sub-rule (3) of Rule 12, the following words shall be deleted:— "one month, the subscriber shall pay a fine of 12s. and a further fine of 2s. for each succeeding month's delay. If the delay exceeds".

(4) In Rule 16, before the words "The widow or child of a deceased subscriber" there shall be inserted the words "Subject to the provisions of Rule 17", and for the words "report a marriage or birth, admit such a widow or child", there shall be substituted the words "report the birth of a child of a marriage which has been duly reported, admit such a child."

(5) In Rule 18, for the sentence beginning "On remarriage" and ending "his widow", there shall be substituted the following sentence:—

"On remarriage she shall retain half her pension, but if her marriage terminates the full pension shall revive and should her second or subsequent husband have been a subscriber she may draw in addition any other pension to which she may become entitled by virtue of his contributions."

In the last sentence, for the words "pensioner again becomes a widow" there shall be substituted the words "marriage terminates".

(6) For sub-rule (2) of Rule 19, there shall be substituted the following sub-rule:—

"(2) The contingent entitlement of a daughter of a subscriber to benefit under these Rules shall cease absolutely upon her marriage. The entitlement to pension of a female orphan shall cease absolutely

(a) 26 Geo. 5 & 1 Edw. 8. c. 2. (b) S.R. & O. 1936/1310 (Rev. X, p. 624: 1936 I, p. 1385).
(c) S.R. & O. 1937/1217 (Rev. X, p. 715: 1937, p. 1342).
(d) See Rev. X, p. 715, and also S.I. 1950/1656, 2001, 1952/889, 1957/801, 1775 (1950 I, pp. 1101, 1102; 1952 I, p. 1225; 1957 I, pp. 1161, 1162).

at the end of the quarter in which she marries and she shall thereupon be granted a donation of £250 or of such lesser sum as may be appropriate under the provisions of sub-rule (1) of Rule 25. Such donation shall be payable by Government as provided in Clause (*b*) of sub-rule (2) of Rule 2 of these Rules."

(7) After sub-rule (4) of Rule 19, there shall be inserted the following sentence which shall be numbered as sub-rule (5):—

"(5) Sub-rules (1) and (2) of this Rule shall not be applicable to persons whose pensions have been provided under the provisions of Rule 26C."

(8) In Rule 20, after the word "quarterly" there shall be inserted the words "or at such intervals as the Secretary of State may direct".

(9) In sub-rule (1) of Rule 23, for the words "within one month" there shall be substituted the words "within twelve months", and at the end of the sub-rule there shall be added the following sentence "In no circumstances shall a report of such marriage be accepted where it is made more than 12 months after the date thereof."

(10) In sub-rule (2) of Rule 23A, after the words "petition of the wife" there shall be inserted the word "only", and after the words "termination of the marriage" the colon shall be deleted, and there shall be inserted a comma and the words "together with the full amount of any supplementary pension provided for her under Rule 26A:" For the proviso to the sub-rule there shall be substituted the following words:—

"Provided that

(*a*) Where the divorced husband had retired on proportionate pension the Secretary of State shall in each case decide the amount of the pension for which the divorced wife is eligible; but the amount so determined shall not be less than half the amount of the pension met from the contributions of subscribers to which she would have been entitled at the date of her divorce had her husband then died; and

(*b*) On remarriage, a former wife shall forfeit absolutely all claim to benefit under this Rule and to supplementary pension mentioned in Rule 26A".

(11) In sub-rule (3) of Rule 23A, after the word "husband" there shall be inserted the word "only".

(12) After sub-rule (3) of Rule 23A, there shall be inserted the following sentence which shall be numbered as sub-rule (4):—

"(4) Where the marriage has been terminated by divorce, otherwise than on the petition of the wife only, she shall cease to be entitled to any pension from the Fund and if the subscriber had made provision for a supplementary pension for her under Rule 26A a refund in respect thereof shall be granted to him of such amount as may be fixed by the Secretary of State, who may, however, require the production of medical evidence of the former wife's health in the form prescribed in the Fifth Schedule."

The existing sub-rules (4) and (5) of Rule 23A shall be re-numbered "(5)" and "(6)" respectively.

(13) In Rule 26, before the words "The pensions payable" there shall be inserted the words "Subject to the provisions of Rules 23A and 25", and after the number "26A" there shall be inserted the words "and pensions for adopted children and step-children secured under "the provisions of Rule 26C".

(14) In the proviso to Rule 26A, after the word "dependant" there shall be inserted the words "excluding the amount of any increase granted temporarily".

(15) After Rule 26B there shall be inserted the following new Rule which shall be numbered as Rule 26C:—

"26C (1) Any subscriber to whom these Rules apply may at any time, subject to the conditions hereinafter prescribed, provide for any step-child of his or for any child whom he may have legally adopted, a contingent pension either by payment of a single premium on the terms stated in Table (3) of the Eighth Schedule or by payment of monthly contributions at such rate as the Secretary of State shall in each case decide, payable up to the earlier of the following dates:—

(*a*) date on which the child attains the age of 24 years

(*b*) date of death of the child or subscriber:

Provided that the maximum amount of pension which may be secured for any such child, excluding any increase granted temporarily, shall be £45 a year up to the age of 6 years, £90 a year between the ages of 6 years and 12 years and £180 a year between the ages of 12 years and 24 years.

(2) Every subscriber applying to make provision under sub-rule (1) of this Rule shall produce medical evidence as to the state of his health in the form prescribed in the Fifth Schedule.

(3) Liability for contingent pension under the said sub-rule shall commence

(*a*) in the case of pensions paid for by single premium from the date on which, after acceptance of the application, the single premium is paid; and

(*b*) in the case of pensions paid for by monthly contributions, from the date of the letter notifying acceptance of the application to contribute from which date contributions shall be payable."

(16) Rule 28 shall be omitted.

(17) In the last sentence of Part A (3) of the Seventh Schedule for the words "An orphan who is in receipt of a pension at a rate lower than £141:13:4, £146:13:4 or £151:13:4 as the case may be" there shall be substituted the words "An orphan under 12 years of age who is in receipt of pension".

(18) In the heading to the Eighth Schedule to the Rules, for the word and number "Rule 26A" there shall be substituted the words and numbers "Rule 26A and Rule 26C" and the words "for supplementary pensions" in the heading shall be omitted.

In the first paragraph of the Eighth Schedule, for the words "stated in the Ninth Schedule and may be secured by" there shall be substituted the words and numbers "prescribed in Rules 26A and 26C by payment of".

In Tables (1), (2) and (3) of the Eighth Schedule, for the word "Contributions" there shall be substituted the words "Single premium."

In Table (1) for the words "during coverture" there shall be substituted the words "on re-marriage" and for the words "on re-widowhood" there shall be substituted the words "if such marriage terminates."

In Table (3) of the Eighth Schedule, after the word "Sons'" in the heading there shall be inserted the word "supplementary" and after the word "pensions" there shall be inserted the words "and pensions for adopted children and for step-children"; and in the text for the words "to a son" there shall be substituted the words "to a son or a pension to an adopted son, an adopted daughter, a step-son or a step-daughter, commencing on the death of the subscriber and".

In the details of premiums in Table (3) of the Eighth Schedule for the words "Age of Son" there shall be substituted the words "Age of Child".

In the paragraph immediately following the Tables in the Eighth Schedule, for the word "benefits" there shall be substituted the word "pension" and after the figures "4·750" there shall be inserted the words "Payment of these instalments will cease on the death of the subscriber or of the dependant on whose behalf they are being paid".

In the penultimate sentence of the Eighth Schedule, for the words "India Office" there shall be substituted the words "Commonwealth Relations Office".

2. These Rules may be cited as the Indian Civil Service Family Pension Fund (Amendment) Rules, 1959.

Given under my hand this 21st day of July, 1959.

Home,
One of Her Majesty's Principal Secretaries of State.

Commonwealth Relations Office,
Downing St., London, S.W.1.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the Indian Civil Service Family Pension Fund Rules which provide for payment of pensions to the widows and orphans of subscribers.

The Rules will permit subscribers to make provision for adopted children or step-children. They also modify the provisions relating to (1) marriages terminated by divorce and (2) the late reporting of marriages and of births of children.