1952 No. 1502

The Indian Military Service Family Pension Fund (Amendment) Rules, 1952

Made - - - - 7th August, 1952

I, Robert Arthur James, Marquess of Salisbury, one of Her Majesty's Principal Secretaries of State, in exercise of the powers conferred on me by sub-section (1) of Section 273 of the Government of India Act, 1935(a), and Clause 14 (1) of the Government of India (Family Pension Funds) Order 1936(b), hereby make the following amendments to the Indian Military Service Family Pension Fund Rules(c).

1. After Rule 14 of the said Rules the following new Rule shall be inserted:—

"Rule 14A.—(1) Notwithstanding any provision made elsewhere in these Rules, any subscriber of non-European race to whom these Rules apply may, by giving not less than one month's notice prior to the 31st October, 1952, elect to withdraw from the Fund with effect from 1st November, 1952, and shall cease to be a subscriber as from that date. In no circumstance shall he be re-admitted to membership.

(2) The dependants of any subscriber who elects under sub-rule (1) of this Rule to withdraw from the Fund shall cease to be entitled to the pensions provided for in Rule 2 and the subscriber shall be granted in respect of the net liability so extinguished such sum as may be fixed by the Secretary of State.

(3) If any question arises whether this Rule applies or does not apply to any individual subscriber or as to the sum awarded under sub-rule (2) of this rule, the question shall be decided by the Secretary of State whose decision shall be final."

2. In Rule 9 delete the words and figures "Rules 10, 11, 13 and 15" and substitute the words and figures "Rules 10, 11, 13, 14A and 15".

Given under my hand this 7th day of August, 1952.

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

EXPLANATORY NOTE

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

Only a small number of non-European officers appointed to the Indian Medical Service belong to the "Transferred" Fund and some of them have expressed the wish to be allowed to commute their interest in the Fund. It has been decided to allow non-European officers the option of leaving the Fund and receiving an appropriate refund. The purpose of the amendment is to make provision for this course.

This change is being made with the concurrence of the Government of India.

(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. 1937/1226; Rev. X, p. 632; 1937, p. 1374.