1959 No. 772

The Indian Military Widows' and Orphans' Fund (Amendment) Rules, 1959

Made - - - - 6th April, 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 sub-section (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 Military Widows' and Orphans' Fund Rules(c) as amended (d) are hereby further amended as follows:—

(1) In sub-rule (2) (b) of Rule 1 for the words "appointed after 31st March, 1937," there shall be substituted the words "appointed between 31st March, 1937, and 14th August, 1947,".

(2) In sub-rule (2) (c) of Rule 1 for the words "avail themselves" there shall be substituted the words "availed themselves before 15th August, 1947,".

(3) In Rule 9 for the words and figures "Rules 10, 11, 13, 14A, 15 and 15A", there shall be substituted the words and figures "Rules 10, 11, 13, 13A, 14A, 15 and 15A".

(4) In sub-rule (3) of Rule 13 for the sentence beginning "Notwithstanding any provision" and ending "withdraw from the Fund" the following sentence shall be substituted.

"Notwithstanding any provision made elsewhere in these Rules, an officer who is subscribing at the unmarried rate and is not subscribing in respect of children, may at any time give notice in writing to the Controller of Pension Funds, Commonwealth Relations Office, that he wishes to withdraw from the Fund."

(5) After Rule 13 the following new Rule shall be inserted

"13A (1) Notwithstanding any provision made elsewhere in these Rules, the Secretary of State may permit a subscriber to cease payment of contributions at any date after the expiry of one month from the date of the receipt by the Controller of Pension Funds, Commonwealth Relations Office, of a notice in writing from the subscriber of his wish to discontinue his contributions to the Fund, provided that before permitting a subscriber to cease payment of contributions, the Secretary of State may at his discretion require the production of the consent in writing of the subscriber's wife and adult daughters in respect of whom he is contributing or of any of them.

(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. 1937/1227 (Rev. X, p. 662: 1937, p. 1406).
(d) See Rev. X, p. 662, and also S.I. 1949/280, 1952/1503, 1957/1195 (1949 I, p. 2332: 1952 I, p. 1229; 1957 I, p. 1167).

(2) The dependants in respect of whom the officer was contributing immediately before the date from which he has been permitted to cease to pay contributions shall remain entitled to contingent benefits but at a reduced rate, the amount of which shall be decided in each case by the Secretary of State:

Provided that the Secretary of State may at his discretion and on such terms and conditions as he shall in each case fix permit the dependants to retain an entitlement to the contingent benefits which would have been admissible to them if the officer had continued to pay contributions.

(3) An officer who has ceased to contribute under this Rule shall in no circumstances be permitted to make any further provision under these Rules."

(6) After Rule 15B, the following new Rule shall be inserted.

"15C. Notwithstanding the provisions of Rules 15 and 15A, a subscriber under the age of 55 who is paying contributions to the Fund under the terms of option (c) of Rule 15 or option (c) of Rule 15A may, at any time within six months of the date upon which he became eligible to contribute in a higher class, elect to remain permanently in the class next below that class, and shall thereafter contribute accordingly, that is at the full rate appropriate to such lower class until he attains the age of 55 and thereafter at the rate applicable to a retired officer in that class."

(7) In Rule 17, before the words "The contribution payable", there shall be inserted the words "Subject to the provisions of Rules 13A, 15 and 35A".

(8) In Rule 20, after the word "Service" there shall be inserted the words "and has continued to pay monthly contributions to the Fund," after the words "wedlock, and" there shall be inserted the words "subject as is hereafter in this rule provided" and after the first sentence there shall be inserted the following sentence.

"If the marriage or birth is not reported within one year the Secretary of State shall in each case decide whether and if so on what terms liability for widow's or orphan's pension shall be accepted and for the purpose of the Secretary of State's decision the subscriber may be required to produce medical evidence as to the state of his health in the form prescribed in the Seventh Schedule."

(9) In the proviso to Rule 24, the words "or involve the additional payments prescribed in Rules 18 (2) and 19 (4)" shall be omitted.

(10) In Rule 26, for the sentence beginning "On remarriage" and ending "his widow" the following sentence shall be substituted.

"On remarriage her pension shall cease during coverture, but if her marriage terminates the 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."

(11) In sub-rule (2) of Rule 27, after the word "orphan" there shall be inserted the words "other than a pension provided by contributions under the provisions of Rule 35A," and after the word "widowhood" there shall be inserted the words "Pensions provided under Rule 35A shall cease at age 21."

(12) In Rule 28 after the word "quarterly" there shall be inserted the words "or at such intervals as the Secretary of State may direct."

(13) In sub-rule (2) of Rule 31, after the word "wife" there shall be inserted the word "only," and after the word "greater" 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 34:" For the proviso to the sub-rule there shall be substituted the following words

"Provided that

(*a*) Where the subscriber had been permitted to cease the payment of his contributions under the provisions of sub-rule (1) of Rule 13A, the amount of the former wife's pension shall be such as the Secretary of State may determine; and

(*b*) On remarriage a former wife shall forfeit absolutely all claim to benefit under this Rule and to supplementary pension mentioned in Rule 34."

(14) In sub-rule (3) of Rule 31, after the word "husband" there shall be inserted the word "only".

(15) After sub-rule (3) of Rule 31, 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 34 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 medical evidence of the former wife's health in the form prescribed in the Seventh Schedule."

The existing sub-rules (4) and (5) of Rule 31 shall be renumbered "(5)" and "(6)" respectively.

(16) In Rule 33, before the words "The pensions payable" there shall be inserted the words "Subject to the provisions of Rules 13A and 31," and after the figure "34" there shall be inserted the words and figure "and pensions for adopted children and step-children secured under the provisions of Rule 35A."

(17) In Rule 34 after the word "apply" there shall be inserted the words "other than a subscriber who has ceased payment of contributions under the provisions of sub-rule (1) of Rule 13A."

In the proviso to Rule 34, after the word "dependant" there shall be inserted the words "excluding the amount of any increase granted temporarily."

(18) After Rule 35 there shall be inserted the following new Rule which shall be numbered as Rule 35A.

"35A.—(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 III of the Tenth 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 21 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 £16 13s. 4d. a year up to the age of 6 years, £33 6s. 8d. a year between the ages of 6 years and 12 years and £50 a year between the ages of 12 years and 21 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 Seventh 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."

(19) Rule 38 shall be omitted.

(20) In the heading to the Tenth Schedule to the Rules, for the word and number "Rule 34" there shall be substituted the words and numbers "Rules 34 and 35A".

In the first paragraph of the Tenth Schedule, for the words "stated in the Eleventh Schedule" there shall be substituted the words and figures "prescribed in Rules 34 and 35A".

In Tables I, II and III of the Tenth Schedule, for the word "Contributions" there shall be substituted the words "Single premium."

In Table III of the Tenth 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 III of the Tenth Schedule for the words "Age of Son" there shall be substituted the words "Age of Child."

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

2. These Rules may be cited as the Indian Military Widows' and Orphans' Fund (Amendment) Rules, 1959.

Given under my hand this 6th day of April, 1959.

Home,

One of Her Majesty's Principal Secretaries of State.

Commonwealth Relations Office,
Downing Street, 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 Military Widows' and Orphans' Fund Rules which provide for payment out of the Fund of pensions to widows and orphans of married subscribers and for certain refunds on the death of unmarried subscribers.

One purpose is to give to officers who are contributing at the married rate or in respect of children an option to discontinue their payments and provide modified benefits for their dependants, and to extend the option of withdrawing from the Fund to other subscribers.

Another purpose is to permit subscribers to make provision for adopted children or step-children.

These Rules also modify the provisions regarding marriages terminated by divorce.

1959 No. 2055

The Indian Military Widows' and Orphans' Fund (Amendment) (No. 2) Rules, 1959

Made - - - - 13*th November,* 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 sub-section (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 Military Widows' and Orphans' Fund Rules(c) as amended(d) are hereby further amended as follows:—

(1) Rule 34 (including the proviso thereto) shall be re-numbered Rule 34 (1).

(2) After sub-rule (1) of Rule 34, there shall be inserted the following sub-rule:—

"(2) With effect from 16th November, 1959, the amount of any supplementary pension contingent liability for which was accepted before 1st April, 1959, shall be subject to a temporary increase of 3¾ per cent."

(3) The Schedule to these Rules shall be substituted for the Ninth Schedule to the said Rules.

2. These Rules may be cited as the Indian Military Widows' and Orphans' Fund (Amendment) (No. 2) Rules, 1959.

Given under my hand this 13th day of November, 1959.

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

Commonwealth Relations Office,
Downing Street, S.W.1.

(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. 1937/1227 (Rev. X, p. 662 : 1937, p. 1406).
(d) *See* Rev. X, p. 662, and also S.I. 1949/280, 1952/1503, 1957/1195, 1959/772 (1949 I, p. 2332 ; 1952 I, p. 1229 ; 1957 I, p. 1167; 1959 I, p. 1464).