STATUTORY INSTRUMENTS

1968 No. 1492

INDIA

The Indian Military Widows' and Orphans' Fund (Amendment) Rules 1968

Made - - - - 16th September 1968

The Minister of Overseas Development, in exercise of the powers conferred upon the Secretary of State 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), and vested in him by virtue of the Transfer of Functions (Overseas Pensions) Order 1965(c), hereby makes the following Rules:—

1. The Indian Military Widows' and Orphans' Fund Rules(d) as amended(e) are hereby further amended as follows:—

(i) In Rule 13A(1), and in the footnotes to Rules 2, 8 and 19, and in the Fifth Schedule, for the words "Commonwealth Relations Office" shall be substituted the words "Ministry of Overseas Development".

(ii) In Rule 13(1) for the words "be refunded, without interest" shall be substituted the words "with effect from 1st April 1968 be refunded with compound interest of 2½ per cent per annum".

(iii) In Rule 13(2) for the words "be refunded, without interest" shall be substituted the words "with effect from 1st April 1968 be refunded with compound interest of 2½ per cent per annum".

(iv) For Sub-Rule (3) of Rule 13 the following shall be substituted:—

"(3) An officer who is subscribing at the unmarried rate and is not subscribing in respect of any children may at any time give notice in writing to the Controller of Pension Funds, Ministry of Overseas Development, that he wishes to withdraw from the Fund. On the receipt in the Ministry of Overseas Development of such notice, he shall cease to be a subscriber and for officers who withdraw on or after 1st April 1968, may be granted—

(i) in the case of a subscriber who has never been married, a refund of all his contributions, or

(ii) in the case of any other subscriber, a refund of his total subscriptions paid from the date which he ceased to subscribe for dependants eligible for benefit,

together with compound interest of 2½ per cent per annum.".

(v) After Rule 13(3) there shall be inserted the following Sub-Rules:—

"(4) Notwithstanding any provision made elsewhere in these Rules, an officer who is contributing at the married rate may at any time give notice in writing to the Controller of Pension Funds, Ministry

(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.I. 1965/1528 (1965 II, p. 4435). (d) S.R. & O. 1937/1227 (Rev. X, p. 662: 1937, p. 1406). (e) The relevant amending instruments are S.I. 1949/280, 1952/1503, 1957/1195, 1959/772, 2055, 1961/1249, 1964/71 (1949 I, p. 2332; 1952 I, p. 1229; 1957 I, p. 1167; 1959 I, pp. 1464, 1468; 1961 II, p. 2446; 1964 I, p. 111).

of Overseas Development, that he wishes to withdraw from the Fund, provided that he shall produce the consent in writing of his wife to his withdrawal. On receipt in the Ministry of Overseas Development of such notice together with the written consent of his wife he shall cease to be a subscriber and may thereupon be granted a refund of such amount as may be fixed by the Minister of Overseas Development who may require medical evidence of the health of each dependant of the officer in respect of whom a refund is payable in the form prescribed in the Seventh Schedule. No refund shall be payable in respect of (*a*) children whose pensions would cease at age 21 except where provision for pension has been effected by payment of a single premium or (*b*) daughters over 16 years of age whose pensions would cease on marriage. An officer who has withdrawn shall in no circumstances be re-admitted to membership of the Fund, and his dependants shall have no claim to benefit under these Rules.

(5) Notwithstanding any provision made elsewhere in these Rules, an officer who is contributing at the unmarried rate and is also subscribing in respect of children may at any time give notice in writing to the Controller of Pensions Funds, Ministry of Overseas Development, that he wishes to withdraw from the Fund. On receipt in the Ministry of Overseas Development of such notice he shall cease to be a subscriber and may, where provision has been effected by payment of a single premium, thereupon be granted a refund of such amount as may be fixed by the Minister of Overseas Development in respect of any child whose pension ceases at age 21 or for any daughter under the age of 16 years whose pension would cease on marriage. The Minister may require medical evidence of the health of each dependant for whom a refund is payable in the form prescribed in the Seventh Schedule. An officer who has withdrawn shall in no circumstances be re-admitted to membership and his dependants shall have no claim to benefit under these Rules.".

(vi) For Sub-Rule (2) of Rule 34 the following shall be substituted:—

"(2) With effect from 1st April 1968, the amount of any supplementary pension, contingent liability for which was accepted before 1st April 1959, shall be subject to a temporary increase of 20¾ per cent.".

(vii) For Sub-Rule (3) of Rule 34 the following shall be substituted:—

"(3) With effect from 1st April 1968 the amount of any supplementary pension, contingent liability for which was accepted after 1st April 1959 and before 1st April 1963, shall be subject to a temporary increase of 17 per cent.".

(viii) After Sub-Rule (3) of Rule 34 there shall be inserted the following Sub-Rule:—

"(4) With effect from 1st April 1968 the amount of any supplementary pension, contingent liability for which was accepted on or after 1st April 1963 and before 1st April 1967, shall be subject to a temporary increase of 9½ per cent.".

(ix) 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) Rules 1968.

Given under my hand the 16th September 1968.

Reg Prentice.

SCHEDULE

NINTH SCHEDULE (RULES 27, 31 AND 33)

A. Pensions to dependants of subscribers who were alive on 5th February 1949.

(1) Annual pension with effect from 1st April 1968; payable to a widow during widowhood:—

Subscriber born	Class of subscriber at death											
	V			IV			III			II			I		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
After 31st March 1907:															
Permanent ...	48	16	0	85	8	0	122	0	0	158	12	0	195	4	0
Temporary ...	19	16	0	34	13	0	49	10	0	64	7	0	79	4	0
After 31st March 1897 and before 1st April 1907:															
Permanent ...	50	0	0	87	10	0	125	0	0	162	10	0	200	0	0
Temporary ...	19	12	0	34	6	0	49	0	0	63	14	0	78	8	0
After 31st March 1882 and before 1st April 1897:															
Permanent ...	51	4	0	89	12	0	128	0	0	166	8	0	204	16	0
Temporary ...	19	8	0	33	19	0	48	10	0	63	1	0	77	12	0
Before 1st April 1882:															
Permanent ...	52	8	0	91	14	0	131	0	0	170	6	0	209	12	0
Temporary ...	19	4	0	33	12	0	48	0	0	62	8	0	76	16	0

Of the above pensions, the portions shown as temporary are liable to reduction or withdrawal.

(2) Annual pension with effect from 1st April 1968; payable to orphan children of all classes alike:—

Subscriber born	Son or Daughter aged			Daughters aged 21 years or over
	0–6 years	6–12 years	12–21 years	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
After 31st March 1907:				
Permanent ...	12 4 0	24 8 0	36 12 0	54 18 0
Temporary ...	4 19 0	9 18 0	14 17 0	22 5 6
After 31st March 1897 and before 1st April 1907:				
Permanent ...	12 10 0	25 0 0	37 10 0	56 5 0
Temporary ...	4 18 0	9 16 0	14 14 0	22 1 0
After 31st March 1882 and before 1st April 1897:				
Permanent ...	12 16 0	25 12 0	38 8 0	57 12 0
Temporary ...	4 17 0	9 14 0	14 11 0	21 16 6
Before 1st April 1882:				
Permanent ...	13 2 0	26 4 0	39 6 0	58 19 0
Temporary ...	4 16 0	9 12 0	14 8 0	21 12 0

Of the above pensions, the portions shown as temporary are liable to reduction or withdrawal.

B. Pensions to dependants in receipt of pension granted with effect from a date within the period 1st April 1937 to 5th February 1949.

(1) Annual pension with effect from 1st April 1968; payable to a widow during widowhood:—

Subscriber born	Class of subscriber at death				
	V	IV	III	II	I
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
After 31st March 1907	68 12 0	120 1 0	171 10 0	222 19 0	274 8 0
After 31st March 1897 and before 1st April 1907 ...	69 12 0	121 16 0	174 0 0	226 4 0	278 8 0
After 31st March 1882 and before 1st April 1897 ...	70 12 0	123 11 0	176 10 0	229 9 0	282 8 0
Before 1st April 1882	71 12 0	125 6 0	179 0 0	232 14 0	286 8 0

Of the above pensions, the following amounts are granted temporarily, and the pensions are therefore liable to reduction not exceeding these amounts, *viz.*:—

Class V, £17 12s. 0d.; Class IV, £30 16s. 0d.: Class III, £44 0s. 0d.; Class II, £57 4s. 0d.; Class I, £70 8s. 0d.

(2) Annual pension with effect from 1st April 1968 payable to orphan children of all classes alike:—

Subscriber born	Son or Daughter aged 12–21 years	Daughters aged 21 years or over
	£ s. d.	£ s. d.
After 31st March 1907	51 9 0	77 3 6
After 31st March 1897 and before 1st April 1907 ...	52 4 0	78 6 0
After 31st March 1882 and before 1st April 1897 ...	52 19 0	79 8 6
Before 1st April 1882	53 14 0	80 11 0

Of the above pensions to orphans, the following amounts are granted temporarily, and the pensions are therefore liable to reduction not exceeding these amounts, *viz.*:—

Age 12–21 years, £13 4s. 0d.; age 21 years or over, £19 16s. 0d.

C. Pensions to dependants in receipt of pension on 31st March 1937.

(1) Annual pension with effect from 1st April 1968 payable to a widow during widowhood:—

Widow born	Class of subscriber at death				
	V	IV	III	II	I
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
After 31st March 1902	71 12 0	125 6 0	179 0 0	232 14 0	286 8 0
After 31st March 1887 and before 1st April 1902 ...	72 12 0	127 1 0	181 10 0	235 19 0	290 8 0
Before 1st April 1887	73 12 0	128 16 0	184 0 0	239 4 0	294 8 0

Of the above pensions, the following amounts are granted temporarily, and the pensions are therefore liable to reduction not exceeding these amounts, *viz.*:—

Class V, £17 12s. 0d.; Class IV, £30 16s. 0d.; Class III, £44 0s. 0d.; Class II, £57 4s. 0d.; Class I, £70 8s. 0d.

(2) Annual pension with effect from 1st April 1968 payable to orphan children of all classes alike:—

Daughters age 21 years or over, £80 11s. 0d.

Of the above pensions to orphans, the amount of £19 16s. 0d. is granted temporarily, and the pensions are therefore liable to reduction not exceeding that amount.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules provide for an increase, as from 1st April 1968, on a temporary basis, in the rates of pension payable under the Rules of the Indian Military Widows' and Orphans' Fund.

The Rules also provide for refunds of contributions in certain circumstances, and also for payment of compound interest thereon.

The unfettered powers of administration of this Fund conferred on the Secretary of State which have now devolved upon the Minister of Overseas Development enable him to make Rules with retrospective effect.