UNDER MISCELLANEOUS ACTS (CROWN SERVICE)

1958 No. 220

The Pensions (India) Order, 1958

Made - - - -	11*th February*, 1958
Laid before Parliament	14*th February*, 1958
Coming into Operation	15*th February*, 1958

I, Alexander Frederick, Earl of Home, one of Her Majesty's Principal Secretaries of State, in exercise of the powers conferred on me by subsection (2) of section 1 of the Pensions (India, Pakistan and Burma) Act, 1955(a) (hereafter in this Order referred to as "the Act"), with the consent of the Treasury, hereby make the following Order:—

1. Subsection (1) of section 1 of the Act shall apply in relation to the arrangements between Her Majesty's Government in the United Kingdom and the Government of India embodied in the letters set out in the Schedule to this Order as it applies in relation to the arrangements embodied in the letter set out in the first Schedule to the Act.

2. The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. This Order may be cited as the Pensions (India) Order, 1958, and shall come into operation on the 15th day of February, nineteen hundred and fifty-eight.

Dated this 11th day of February, nineteen hundred and fifty-eight.

Home,

One of Her Majesty's Principal Secretaries of State.

We consent.

R. Brooman-White,

Anthony Barber,

Two of the Lords Commissioners of Her Majesty's Treasury.

(a) 3 & 4 Eliz. 2. c. 22.

(b) 52 & 53 Vict. c. 63.

SCHEDULE

No. 1

LETTER FROM THE ACTING HIGH COMMISSIONER FOR THE UNITED KINGDOM, NEW DELHI, TO THE FINANCE MINISTER OF INDIA

Office of the High Commissioner for the United Kingdom,

6, Tees January Marg, New Delhi.

7th February, 1958.

My dear Minister,

I write with reference to the arrangements between the Government of India and the Government of the United Kingdom, dated 7th March, 1955, (hereinafter called " the 1955 arrangements ") referring to the transfer of certain pensions and related matters.

2. The Government of the United Kingdom propose that the 1955 arrangements shall be modified and extended in the manner hereafter described.

3. Pending final determination of the amount payable to the Government of India under paragraph 4 of the 1955 arrangements, that amount shall, for the purpose of calculating the instalments payable in accordance with paragraph 6 of the 1955 arrangements, be deemed to be £40 millions.

4. All payments of instalments of the amounts payable under paragraphs 4 and 5 of the 1955 arrangements, or under paragraph 5 of this letter, shall be regarded as provisional payments, subject to adjustment when the amounts payable under those paragraphs have been finally determined.

5. The instalments referred to in paragraph 6 of the 1955 arrangements in respect of the sum described in paragraph 4 of the 1955 arrangements, payable on 1st April in 1958, 1959, 1960 and 1961, shall be paid on 1st April, 1958.

6. The control, administration and payment of a pension and benefits, if any, connected with that pension (hereinafter called " connected benefits "), described in sub-paragraphs (1) and (2) of this paragraph shall, if the pensioner requests that his pension should be paid in the United Kingdom, and provided that the pensioner is then permanently resident outside India, Pakistan, Burma and Aden, be transferred to the Government of the United Kingdom as from the date at which the capital value, mentioned in paragraph 7 hereof, has been calculated, namely :—

(1) a pension and connected benefits, which would have fallen within paragraph 2 of the Annexure contained in the 1955 arrangements but for the fact that it was currently in issue on 31st March, 1955, by an authority in India, Pakistan, Burma or Aden,

(2) a pension and connected benefits, which on 31st March, 1955, were contingent, in respect of a person whose pension is within the terms of sub-paragraph (1) of this paragraph.

7. Upon a pensioner referred to in paragraph 6 hereof, whose pension is described in that paragraph, requesting that his pension shall be paid in the United Kingdom, the Government of India shall pay to the Government of the United Kingdom the capital value of the pension and connected benefits as at the date following that up to which the last payment was made by, or on behalf of, the Government of India. On the death of a pensioner payment of whose pension has been transferred to the Government of the United Kingdom under these arrangements, the Government of India shall pay to the Government of the United Kingdom the capital value of the pension, if any, under Indian Regulations of the widow of such pensioner.

8. The capital value, referred to in paragraphs 7 and 11 hereof, shall be calculated in accordance with the non-Asian section of the Indian Commutation tables in force on 31st March, 1955, but the pensioner shall not be required to undergo any medical examination in this connection.

9. Paragraph 7 of the 1955 arrangements shall apply in respect of the pensions, payment of which is transferred under paragraph 6 hereof, as it applied in respect of pensions transferred under the 1955 arrangements.

10. If a pensioner, payment of whose pension has been transferred to the Government of the United Kingdom under the 1955 arrangements, requests that his pension should be paid in India, and provided that he is then permanently resident in India, the control, administration and payment of the pension and connected benefits in respect of that pensioner shall be transferred to the Government of India as from the date at which the capital value mentioned in paragraph 11 hereof has been calculated.

11. Upon a pensioner referred to in paragraph 10 hereof requesting that his pension shall be paid in India the Government of the United Kingdom shall pay to the Government of India the capital value of the pension and connected benefits mentioned in paragraph 10 hereof calculated in accordance with paragraph 8 hereof, as at the date following that up to which the last payment was made by, or on behalf of, the Government of the United Kingdom. On the death of a pensioner payment of whose pension has been transferred to the Government of India under these arrangements, the Government of the United Kingdom shall pay to the Government of India the capital value of the pension, if any, under Indian Regulations of the widow of such pensioner.

12. The arrangements set forth in this letter are subject to the completion of such statutory procedure as may be necessary.

13. I shall be grateful if you will inform me that the Government of India agree to the proposals set out herein.

Yours sincerely,

(Sd.) *W. A. W. Clark,*

Acting High Commissioner.

Shri T. T. Krishnamachari,
Minister of Finance,
Government of India,
New Delhi.

No. 2

LETTER FROM THE FINANCE MINISTER OF INDIA TO THE ACTING HIGH COMMISSIONER FOR THE UNITED KINGDOM

New Delhi,

February 7th, 1958.

My dear High Commissioner,

I have to acknowledge receipt of your letter of 7th February, 1958, reading as follows :—

[Here follows the text of the Acting High Commissioner's letter as in No. 1.]

2. I have pleasure in informing you that the proposals set out in that letter are agreed to by my Government.

Yours sincerely,

(Signed) *T. T. Krishnamachari,*

Finance Minister.

Mr. W. A. W. Clark, C.M.G., C.B.E.,
High Commissioner for the United Kingdom,
6, Tees January Marg,
New Delhi.

EXPLANATORY NOTE

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

The purpose of this Order is to give statutory effect under the Pensions (India, Pakistan and Burma) Act, 1955, s. 1 (1), to the arrangements between the Governments of India and the United Kingdom embodied in the letters set out in the Schedule to the Order.

These arrangements will enable payment of certain instalments of sums payable to the Government of India under the letters set out in the First Schedule to the Act to be made on 1st April, 1958, instead of on the dates specified in the said Schedule to the Act. They will also enable the control, administration and payment of certain Indian pensions to be transferred from the Government of India to the Government of the United Kingdom or from the Government of the United Kingdom to the Government of India at the request of pensioners who transfer their permanent place of residence.

1958 No. 1938

The Pensions (India) (No. 2) Order, 1958

Made - - - -	*18th November,* 1958
Laid before Parliament	*25th November,* 1958
Coming into Operation	*26th November,* 1958

I, Alexander Frederick, Earl of Home, one of Her Majesty's Principal Secretaries of State, in exercise of the powers conferred on me by subsection (2) of section 1 of the Pensions (India, Pakistan and Burma) Act, 1955(a) (hereafter in this Order referred to as " the Act "), with the consent of the Treasury, hereby make the following Order:—

1. Subsection (1) of section 1 of the Act shall apply in relation to the arrangements between Her Majesty's Government in the United Kingdom and the Government of India embodied in the letters set out in the Schedule to this Order as it applies in relation to the arrangements embodied in the letter set out in the First Schedule to the Act.

2. The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. This Order may be cited as the Pensions (India) (No. 2) Order, 1958 and shall come into operation on the 26th day of November, nineteen hundred and fifty-eight.

Dated this 18th day of November, nineteen hundred and fifty-eight.

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

We consent.

Michael Hughes-Young,
P. E. O. Bryan,
Two of the Lords Commissioners of Her Majesty's Treasury.

(a) 3 & 4 Eliz. 2. c. 22. (b) 52 & 53 Vict. c. 63.