

(CIVIL PENSIONS (COMMUTATION) RULES.)

No. 8

The 4th February 1926.

[Amendment : 20.09.1938]

No. 8. - The following Notification by the Government of India in the Finance Department relating to the Civil Pensions (Commutation) Rules, is published for general information :-

“Delhi, the 21st January 1926.

No. F.-158.C.S.R.-25.- The following Resolution by the Secretary of State for India in Council is published for general information :-

CIVIL PENSIONS (COMMUTATION) RULES.

In exercise of the powers conferred by sub-sections (2) and (3) of section 96B of the Government of India Act, the Secretary of State in Council, with the concurrence of the majority of votes at a meeting of the Council of India held on the 16th day of September 1925, hereby makes the following rules to regulate the commutation of civil pensions, namely:-

1. (a) These rules may be called **the Civil Pensions (Commutation) Rules.**
(b) They shall be deemed to have come into force on 1st April 1925.
2. The powers granted by these rules shall be exercised, in relation to Government servants who are under the administrative control of a local Government, by the local Government, and in relation to other Government servants by the Governor-General in Council, and may be delegated by them to the High Commissioner for India, subject to any condition which they may think fit to impose.
3. A Government servant who is a member of one of the Services or holds one of the posts included in the appendix to these rules shall be entitled, subject to the conditions hereinafter specified, to commute for a lump payment any portion, not exceeding one-half, of any pension which has been or may be granted to him under civil rules. But any such commutation shall be subject to the condition that-
 - (a) if the pension exceeds £ 180 when payable in London, or Rs. 2,057 when payable in India, not less than £ 150 (or Rs. 1,714) of its value shall remain uncommuted ; and
 - (b) if the Pension is less than £ 180 (or Rs. 2,057), not more than £ 30 (or Rs.343) of its value shall be commuted, and not less than £ 120 (or Rs. 1,371) shall remain uncommuted:

Provided that the sanctioning authority may at its discretion relax or waive this condition in the case of a pension granted under the Premature Retirement Rules.

4. A pensioner in England who wishes to apply for commutation will follow the procedure laid down by the High Commissioner. In other cases the procedure laid down in the following rules will apply.

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5. (1) A pensioner in Burma shall submit to the Deputy Commissioner an application in form A duly completed and signed together with a certified extract (relating to the date of his birth from the history of services of Gazetted Officers/ from his service book or service roll showing the date of his birth, his height and marks) if before retirement he (was a Gazetted Officer/ was not a Gazetted Officer), the certified extract being obtained from the officer who sanctioned his pension.
- (2) The Deputy Commissioner shall verify the number and date of the letter sanctioning the pension, the amount of the pension and the number of the pension payment order and shall determine whether the application is admissible under the rules and under the supplementary orders of Government for the time being in force.
- (3) If he finds the application is inadmissible he shall withhold it and inform the pensioner accordingly. An appeal against such finding shall lie to the Finance Department.
- (4) If he finds the application is admissible he shall-
- (i) in the case of pensioners other than those in receipt of invalid or wound or other extraordinary pensions, authorize the Civil Surgeon to make a medical examination of the pensioner by an endorsement to this effect on form A. The pensioner shall produce before the Civil Surgeon form A thus endorsed together with the above mentioned certified extract. The Civil Surgeon shall subject the pensioner to a strict medical examination requiring him to give such information as to his health and habits as is usually supplied by persons proposing to assure their lives with Assurance Companies and forward direct to the Deputy Commissioner a report in form B on the pensioner's expectation of life together with form A and the certified extract for transmission to the Finance Department.
- (ii) in the case of pensioners in receipt of invalid or wound or other extra ordinary pensions, forward the application together with the above mentioned certified extract to the Finance Department. If the application is for commutation of an invalid pension, the Deputy Commissioner shall attach thereto a certified copy of the pension medical certificate on which the applicant was invalided

from service. The Finance Department will then arrange for the pensioner to appear either before a medical board or before a specified Government medical officer. The authority before whom he so appears shall submit a report in form B direct to the Finance Department.

(5) The medical examinations referred to in clause (4) (i) and (ii) are performed free of charge.

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6. A pensioner elsewhere than in England or Burma and the Head of the Department to whom the application of such pensioner is required to be submitted shall follow mutatis mutandis the procedure prescribed in Rule 5 for pensioners resident in Burma with the following exceptions:-

- (1) Medical examinations of Burma pensioners performed elsewhere than in Burma are not ordinarily performed free of charge. The pensioner must himself pay any fee charged by the medical officer or the medical board.
- (2) In the case of a pensioner in receipt of a pension other than an invalid or wound or other extraordinary pension-
 - (i) the pensioner may appear before any Government medical officer of not lower standing than a Civil Surgeon, District Medical Officer or Presidency Surgeon.
 - (ii) no authorization from the Head of the Department to appear before the medical officer is required. The pensioner may appear forthwith for medical examination and submit the papers complete to the Head of the Department or, if he wishes to insure against the unnecessary payment of medical fees, he may first submit his application in form A, together with the certified extract to the Head of the Department to ascertain whether the application is admissible. If the Head of the Department finds that the application is admissible, he shall return the papers to the pensioner with an endorsement to this effect but without any authorization to appear for medical examination.

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7. No copying fees or court fees are payable for the certified copies or extracts required by these rules.

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8. When commutation has been sanctioned the pensioner shall be informed accordingly, and shall have the option of withdrawing his application within one week after being so informed. If he does not withdraw his application within that period, the commutation of pension shall become absolute, and payment of the lump sum shall be made forthwith, payment of the commuted portion of the pension thereupon ceasing.

9. The lump sum, if calculated in accordance with the table of present values prescribed by the Governor-General in Council, shall be payable in India ; in all other cases it shall be payable at the Home Treasury.
10. A pensioner after he has once been refused commutation on medical grounds, or after he has once declined to accept commutation on the basis of an addition of years to his actual age, may apply for a second medical examination if at least a year has elapsed since the first examination. Such re-examination will be made by a medical board. Only one such re-examination will be allowed.
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11. If, when the commutation of a portion of a pension has been sanctioned, the pensioner dies on or after the date from which commutation is to take effect, but before receiving the commutation value, this value shall be paid to his heirs.
11. Rules 14 to 23 inclusive of the Premature Retirement Rules are hereby repealed.

By order of the Governor in Council.

A. E. GILLIAT,

Additional Secy. to the Govt. of Burma,

Finance and Revenue Dept.

----- Footnote -----

The Burma Civil Pensions (Commutation) Rules (Amendment) No. 99 (20.9.1938) ရက်စွဲ၊ (The Burma Gazette, September 24, 1938) ပါ ပြင်ဆင်ချက်အပိုင်း (၃) နှင့် (၄) အား ဆောင်ရွက်၍မရပါ။

----- Attachment -----

[ATTACH LIST 1] 01 (CIVIL PENSIONS (COMMUTATION) RULES) APPENDIX.