Public Works (1899) Department.

G.O., No. 2473 W

DATED 13 September 1899.

[Despatch Abstract.]

Exchange Compensation Allowances

Pros. Final Draft covering, ~~letter from~~ with remarks, letter from the Govt. of India forwarding copy of a memorandum showing the general principles to be followed in dealing with claims to ——

Covered to Officers of the P.W.D

[P. W. 2 2,000—29-3-99.]

Indexed.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

P.W. Cir. No. 6924

Government {1899} of Madras.

FINANCIAL.

original No. 3445
taken by Ettw to the
Ex. Compensation file.

Recd. 24-8- 1899.
Regd.

Enclosures

Spare copies 11

G.O., No. 901, 15th August 1899.

AUGUST.

To
The Chief Engr. for Irrigation with 1 copy
" Consg. Engr. for Railways "
All Supdtg. Engrs.
The Supdt. of Works, LH. Dun with rec
" Consg. Architect to Govt. with 1 copy
" Examr., P.W. Accts. with rec "
" Examr., Ry. Accts. with rec "

Communicated to Officers of the P.W. Dept. in continuation of G.O. No. 2472 Ir. dated 19 Septr. 1899.

P 20/9/99 Std 6/9

× on CM. 4904 in list file

Exchange Compensation Allowance.

Communicating to all departments of the Secretariat letter from the Government of India forwarding copy of a memorandum showing the general principles to be followed in dealing with claims to —; and ordering that all pending claims to the allowance prior to the 1st April 1897 should be forwarded with full particulars to the Financial Department.

Copies sent
4904/99

To RS 4 6819/9

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—again the following papers :—

G.O., No. 491, Financial, dated 24th June 1897.
" " 809 " " 30th Sept. "
" " 1081 " " 19th Nov. 1898.
" " 1155 " " 3rd Dec. "
" " 679 " " 10th June 1899.

READ—also the following paper :—

From W. S. MEYER, Esq., Deputy Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to the Government of Madras, dated Simla, 31st July 1899, No. 3457-E.

In continuation of the resolution of this department, No. 2418-Ex., dated the 26th May 1899, I am directed to forward a memorandum showing the principles which the Government of India have decided should be followed in dealing with claims to exchange compensation allowance.

2. I am to request that, with the permission of His Excellency the Governor in Council, questions of personal eligibility for the allowance may be decided in accordance with the practical considerations indicated in the memorandum and not with reference to legal technicalities which it was the purpose of the resolution of 26th May 1899 to put aside.

3. As regards claims to arrears in respect of any period prior to 1st April 1897, I am to say that if there are any such claims pending in your office which seem to His Excellency the Governor in Council to be admissible in accordance with the principles now prescribed for the treatment of such cases in clauses VI and VII of the memorandum, these claims should at once be forwarded to the Government of India for consideration. Arrear claims which are clearly ineligible with reference to clause VII of the memorandum can be rejected by the Government of Madras without further reference.

ENCLOSURE.

General Principles to be followed in dealing with claims to Exchange Compensation Allowance.

I. "*Domicile*" for the purpose of clause (*a*) at end of paragraph 3 of resolution by the Government of India in the Finance and Commerce Department, No. 2418-Ex., dated the 26th May 1899, means applicant's permanent residence at the time he entered Government service. A person who had been continuously in India up to that date, or had been absent from it only up to or before the age of ten, is held to have a practical Indian domicile. If he was in Europe for any appreciable time (*i.e.*, not less than a year) subsequent to the age of ten and before entering Government service, this may be held to establish a non-Indian domicile.

II.—*Permanent or temporary residence of parents in India*, for the purpose of clause (*b*) of the same paragraph, is determined by the following considerations :—

(1) If the father left India for good after retirement from Government service, or the exercise of a private profession there, he was a *temporary* resident.

(2) If he remained on in India for any considerable period under the same circumstances, a *permanent* resident.

(3) If he died in Government service, or in the exercise of a private profession, permanent or temporary connection of the family with India is evidenced by—

(*a*) Widow (if any) returning home or children having been sent home while under parental control—*temporary*.

(*b*) Widow (if any) remaining here or children not having been sent home—*permanent*.

* See definition of "statutory native" in paragraph 4 of Finance Department's Resolution of 31st May 1897, No. 2422-Ex.

III. A man is *not a statutory native* for the purposes of the new rules only if he fulfils one or more of the following conditions* :—

Birth. (*a*) Born out of India.

Personal non-Indian domicile. (*b*) Was out of India for some appreciable period (not less than a year) after the age of ten and before he entered Government service.

Parents not permanent residents. (*c*) Father had no connection or only a temporary connection with India. Whether the father's connection was temporary or permanent is determined by the considerations mentioned in clause II.

IV. But *arrear claims* (*i.e.*, claims for periods prior to the application of the new rules) are admissible to persons who are not statutory natives, only if the applicant has a personal non-Indian domicile as stated in clause I above. Thus he may be admissible under the new rules as having been born out of India, or by reason of his father not having been a permanent resident; but if he himself had not left India between the age of ten and his entry into Government service, he will not be admitted under the old rules.

V. What has to be considered in dealing with claims to exchange compensation allowance is the *status* of the applicant in regard to "domicile" at the actual time when he enters Government service; consequently, a man's visits to England *after* he entered Government service are irrelevant for the purpose of establishing personal eligibility; as also the fact that after that date he married in England or sent his children home.

VI. The *pending cases* in regard to which it has been decided by the Government of India that claims to the allowance prior to 1st April 1897 can now alone be entertained are—

(1) Cases under the old rules which had come up to the Government of India on appeal or reference prior to 31st May 1897, the date on which the new rules were promulgated and were on that date still undisposed of.

(2) Cases in which either a first claim, or an appeal against disallowal, was presented by the applicant prior to 31st May 1897 and was held over, undisposed of, by a Local Government or head of department.

VII. (1) In "pending cases," as above defined, admission under the new rules will qualify for arrears prior to 1st April 1897, if the applicant fulfils the conditions of clause IV, but not otherwise.

(2) When the cases are not "pending" as above defined no arrears for a period prior to 1st April 1897 can in any case be given.

Order—No. 901, Financial, dated 15th August 1899.

Communicated in continuation of G.O., No. 679, Financial, dated 10th June 1899, to all departments of the Secretariat.

2. With reference to paragraph 3 of the letter from the Government of India, all pending claims to the allowance prior to the 1st April 1897, which fall under the conditions prescribed in clause VI of the memorandum, should be forwarded with full particulars to the Financial Department.

(True Extract.)

for *Chief Secretary.*

To all Departments of the Secretariat.
„ the Accountant-General.

Ed. P. Seetharatty.