

Public Works (1899) Department.

G.O., No.

2613 W

DATED

5 Oct 1899.

[Despatch Abstract.]

Exchange Compensation Allowance.
Letter from the Govt of India forwarding
a memo. showing the general principle
to be followed in dealing with claims
to — needed —

[illegible]

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

CURRENT No. 7850

The Govt of India

Order No. 2613 WZ 5-10-98

No. 1377 G.

reference to L.O. No 2473^h
dated 19th Sept. 1899.

Dated 8-9-28

Received a boota command 20-9-88

Received
Registered at Madras 22-9-89

Registered
Enclosures

Spare copies. ~~1~~ one

SUBJECT.

Forwarding a memorandum
showing the principles to be
followed in dealing with
Claims to Exchange
Copies a has allowance

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[For Heads of Departments.]

GOVERNMENT OF INDIA.

GENERAL.

To

Simla, the 8th September 1899.

2472 W
19-9-98

2. I am to request that 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.

I have the honour to be,

Sir,

Your most obedient servant,

G. H. Walker

Under Secretary to the Govt. of India.

To The Secretary to the Govt. of Madras
Public Works Department.

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 10, 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 10 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*.

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* :—

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

- (a) Born out of India.
- (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.
- (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 10 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.

Birth.

Personal non-Indian domicile.

Parents not permanent residents.

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.