

Public Works (1899) Department.

RAILWAY BRANCH.

G.O., No. 1163 Ry

DATED 16th Oct 1899.

[Despatch Abstract.]

Exchange Compensation Allowance

A letter from the Govt of India showing
the general principles for deciding
claims to ——— Communicated to
Railway Administrations for information

A letter from the Government of India showing the general principles for deciding claims to —, communicated to Railway Administrations for information.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read the following paper :—

From—The Secretary to the Government of India, Public Works Department.
To—The Secretary to the Government of Madras, P.W. Dept., Ry. Branch.
Dated—Simla, 8th September 1899, No. 1377 G.

With reference to Finance and Commerce Department resolution No. 2418 Ex., dated 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 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 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 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 * :—

- (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.

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. 1163 Ry., dated 16th October 1899.

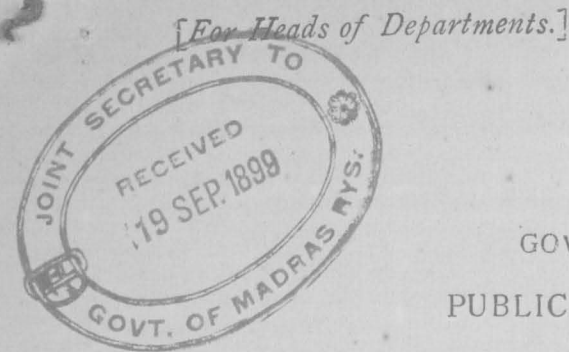
Communicated to the Agents of the Madras and South Indian Railways for information with reference to Consulting Engineer's endorsement No. 3111, dated 12th October 1899.

(True Extract.)

FRANCIS J. E. SPRING,
Secretary.

To the Agent and Manager, Madras Railway.
“ Agent, South Indian Railway.
“ Examiner, Guaranteed Railway Accounts.
“ Consulting Engineer for Railways.

Exd. T. K. Narayana Aiyangar.



No. 1377 G.
GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
GENERAL.

Print
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General principles for deciding claims to Exchange Compensation Allowance.

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS, PUBLIC WORKS DEPARTMENT.
THE JOINT SECRETARY TO THE GOVERNMENT OF MADRAS, PUBLIC WORKS DEPARTMENT, RAILWAY BRANCH.
THE SECRETARIES TO THE GOVERNMENT OF BOMBAY, PUBLIC WORKS DEPARTMENT, GENERAL AND RAILWAY BRANCHES.
THE SECRETARIES TO THE GOVERNMENTS OF BENGAL, THE NORTH-WESTERN PROVINCES AND OUDH AND THE PUNJAB, PUBLIC WORKS DEPARTMENT.
THE SECRETARIES TO THE GOVERNMENT OF BURMA, PUBLIC WORKS DEPARTMENT, GENERAL AND RAILWAY BRANCHES.
THE CHIEF COMMISSIONERS OF THE CENTRAL PROVINCES, ASSAM AND COORG.
THE RESIDENT AT HYDERABAD.
THE AGENTS TO THE GOVERNOR GENERAL FOR CENTRAL INDIA, RAJPUTANA AND BALUCHISTAN.
THE ACCOUNTANT GENERAL, PUBLIC WORKS DEPARTMENT.
THE CONSULTING ENGINEERS TO THE GOVERNMENT OF INDIA FOR RAILWAYS, CALCUTTA, LUCKNOW AND ASSAM.
THE DIRECTOR GENERAL OF TELEGRAPHS.
THE MANAGERS, NORTH-WESTERN, OUDH AND ROHILKHAND, EAST COAST AND EASTERN BENGAL STATE RAILWAYS.

Simla, the 8th September 1899.

SIR,

With reference to Finance and Commerce Department Resolution No. 2418 Ex., dated 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 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 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.

I have the honour to be,

Sir,

Your most obedient servant,

L. H. Walker

Under Secretary to the Govt. of India.

To The Joint Secretary to the Govt. of Madras
Public Works Deptt. Railway Branch
with one spare copy

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28p

P. 100

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 *arrears 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.

Public Works (1899) Department.

Railways
CURRENT No. 1175

5 current

From The Govt of India

Order

No. 1163 dated 16/10/99.

Communicated to the
Agents of the Madras
S. I. R. for information with
reference to
Continuation of Cms: Engrs
order No. 3111 of 12 Sept 1899.

No. 13778

Dated 8th September 1899

Received 19th — do —

Registered — do —

Enclosures

Spare copies

SUBJECT.

Exchange Compensation allowance.

- 2 The Agent & Manager M.R.
- " Agent S. I. R.
- " Examiner G. R. A. C.
- " Cms: Engrs: for R. P.

Despatched on 30/10/99

Now arising a memorandum showing the general principles to be followed in dealing with claims to — and requesting that questions of personal eligibility for the allowance may be decided in accordance with the practical considerations indicated in the memorandum.

