

**65.** An officer returning from leave out of India may be granted an advance of his leave allowance for the unexpired portion of his leave subject to a maximum of thirty-five days from the date of embarkation for India.

**66.** An advance of pay made in England to enable an officer to return to duty in India, or to one appointed in England proceeding to India to join his appointment, is recovered at the rate of exchange for remittances through Government on the date on which the advance was made.

**67. Transfer on Duty.**—(a) No officer (unless he has been newly appointed to the service of Government) can begin to draw any pay or allowances at any treasury in India or at the Home Treasury of the Government of India, without producing a last pay certificate from the Treasury where his pay or allowances were last disbursed, or from the Accountant General within whose jurisdiction this Treasury is

### ADDITIONS TO SALARY.

**\* 71.** (a) Unless in any particular case it be otherwise distinctly provided the whole time of a public officer must be held to be paid for by the State, and he may be employed in any manner required by proper authority within his own branch of duty, without claim for additional remuneration.

**+ 72.** When an officer spontaneously undertakes a work of utility to Government outside the ordinary course of his duties, he may be granted an honorarium

NOTE 2—[A civil officer, who may be appointed President of a Committee for the examination of military officers in Hindustani or Persian, is entitled to the same fees as are admissible under the Army Regulations to military officers for the performance of similar duties]

**‡ 73.** Any servant of Government is eligible to receive without special permission (a) the premium awarded for an essay or plan in public competition, or (b) any reward offered for the arrest of a criminal or for information or special services in connection with the administration of justice

**§ 74.** (a) Any officer may receive a fee from a private person, or private body, or a public body whose funds are not administered by Government, or from an Indian State, for work voluntarily done for it. Provided that—

- (1) he has undertaken the work with the knowledge and sanction in writing of the Head of his Department,
- (2) the Head of the Department certifies that it can be carried out without detriment to his official duties, and
- (3) the acceptance of a fee and the amount of the fee are approved by the authority having under clause (c) power to sanction its acceptance.

(b) When the work undertaken for a private body is such that it must be done during the time which would otherwise be employed in the service of the Government, the fee should be credited to Government; but the authority having power under clause (c) may grant to the officer concerned the whole or such portion of the fee realised as it may deem suitable.

(c) The powers of sanction of the several authorities in the case of each fee under clauses (a) and (b) are as follows:—

Up to Rs. 500, the head of the Department

Above Rs. 500, the Local Government, or the Government of India in the Administrative Department concerned

### JOINING TIME.

**¶ 175. Definition.**—Joining time is the time allowed to an officer to proceed from one station to another when his appointment is changed, or

\* F.R. 11. † F.R. 46. ‡ F.R. 48. § F.R. 47.

¶ F.R. 9 (10), 105 (a), (b) and (c).

when, being unemployed, he is appointed to any office. An officer is held to be on duty during Joining Time if he is entitled to allowances.

\*176. Only one day is allowed for joining an appointment which does not necessarily involve a change of residence from one station to another.

NOTE.—[Sundays are included in the calculation of the Joining Time of one day admissible under this article. An officer who gives over charge on Saturday forenoon must, therefore, take charge on Saturday afternoon, and an officer who gives over charge on Saturday afternoon may take charge on Monday forenoon.]

177. In cases involving a change of station † Joining Time is calculated as follows, subject to a maximum of thirty days:—

(1) Six days for preparation: and, in addition thereto:—

For the portion of the journey which the officer travels or might travel—

By Railway, a day for each 250 miles.

By Ocean steamer, do. .. 200 "

By River steamer, do. .. 80 "

By motor car plying for public hire for each .. 80 " ( or any longer time actually occupied in the journey.

By mail cart or other public stage conveyance drawn

by horses, a day for each 80 "

In any other way, do. 15 "

An extra day is allowed for any fraction of distance over that prescribed.

(2) When part of the journey is by steamer, the days intervening between the officer being set free from his office, or, if he has no office, receiving his orders, and the departure of the steamer, or his start duly regulated to catch the steamer, shall be added.

NOTE 1.—[Sundays are not included in the above calculations, though they are included in the maximum limit of thirty days.]

NOTE 2.—[A journey by road of five miles or under, to or from a railway station from or to the point prescribed under Art. 908, does not count for Joining Time.]

†178. By whatever route the officer travels, his Joining Time shall, unless the Local Government specially permit otherwise, be calculated by the route which travellers habitually use.

†180. **Extensions.**—(a) The Local Government may in any case extend the Joining Time admissible by rule provided the general spirit of the rules is observed.

§182. **When Leave intervenes.**—When an officer, after giving over charge of his office at one station on transfer, or reversion to another office, takes Privilege or Examination leave before joining the office to which he has been transferred, or to which he has reverted, or when an officer, while on Privilege or Examination leave, is transferred to a station other than that from which he took leave, he is entitled to Joining Time in addition to his Privilege or Examination leave. The Joining Time of an officer transferred during Privilege or Examination leave will be counted from his old station, or from the place where he receives the order of transfer, whichever calculation would entitle him to the less Joining Time.

183. If an officer, during transit from one appointment to another, obtains Furlough on medical certificate (with or without Privilege leave or Subsidiary leave prefixed), he may be allowed only the Joining Time calculated for the journey from his old station to the furthest place to which he has proceeded on his route to his new station.

\* F.R. 106.

† A change of ecclesiastical district within a station is no "change of station" within the meaning of this article—G.I.F.D. No 2032, 6-5-95.

‡ F.R. 106.

§ F.R. 105 (b) (i).

**184. Appointment Changed.**—The Joining Time of an officer whose appointment is changed while he is in transit from one appointment to another, begins on the day following that on which he receives his orders.

\* **185. Allowances.**—Except in the case mentioned in Article 188, an officer draws, during Joining Time, the pay or salary which he drew in his old appointment or that which he will draw on joining his new appointment, whichever is less. If the officer in his old appointment drew a local allowance granted on account of special expensiveness of living or unhealthiness of climate, in any district, province or locality, and the transfer is to another appointment within the same district, province or locality, he may draw the local allowance during Joining Time. Provided that, if the rates differ in the two appointments or parts of the local area, he may draw the lower rate only.

† **186.** When, under Article 182, an officer combines Privilege or Examination leave and Joining Time, his allowances during Joining Time, —that is to say for the period, not exceeding the Joining Time admissible by rule, in excess of his Privilege or Examination leave, during which he is absent from duty,—must be calculated at the rate at which his Joining Time allowance would have been calculated if he had joined the office to which he is transferred directly. •

‡ **187.** An officer who is not in the Indian Civil Service or in the Army, and who has no substantive appointment, is not entitled to any allowance during Joining Time; but if such an officer officiating in an office is transferred to another office under the same Local Government, the officer who orders the transfer may allow him to draw during his transit, the allowance to which he would be entitled under the first sentence of Article 185.

§ **189. Exceeding Joining Time.**—An officer who does not join his new appointment within his Joining Time is entitled to no allowances after the end of his Joining Time, and after a week ceases to have a lien on any appointment. But, if the authority making the appointment considers that his default was due to circumstances beyond his control, it may exempt him from the loss of his appointment.

NOTE.—[The expression "allowances" in this Article does not include travelling allowance.]

#### DISMISSAL, ETC.

¶ **192. Officers Dismissed, Suspended or Imprisoned.**—Saving as provided in Article 193 (b), an officer under suspension is entitled to no salary while he is absent from duty, and the salary of an officer who is dismissed ceases absolutely from the date of his dismissal: no allowances may be granted for any period occupied in the prosecution of appeals against the order of dismissal.

¶ **193.** (a) A subsistence allowance, at a rate not exceeding one-quarter of his salary, may be granted by the authority suspending him to an officer removed from office pending enquiry into his alleged misconduct: Provided that the subsistence allowance of a European should not commonly be less than Rs. 25 a month.

(b) If the suspension of an officer as a penalty for misconduct is, upon reconsideration or appeal, held to have been unjustifiable or not wholly justifiable, or if an officer dismissed from office or suspended pending enquiry into his alleged misconduct is, upon reconsideration or appeal, reinstated, then the revising or appellate authority may grant to the officer for the period of his absence from duty—

(i) If the officer is honourably acquitted, an allowance equal to the full salary to which he would have been entitled if he had continued to hold the appointment from which he was dis-

\* F.R. 107.

§ F.R. 108.

† F.R. 107 (b) (ii).

¶ F.R. 52.

¶ F.R. 107 (a).

¶ F.R. 43 (b), 53 (b), 54.

missed, and also, by an order to be separately recorded, any conveyance, or local or other allowance of which he may have been in receipt prior to his suspension or dismissal.

- (vi) Otherwise, an allowance equal to such proportion of the full salary and other allowances as aforesaid, as the revising or appellate authority may deem expedient.

(c) No extra cost may ordinarily be imposed on the State by the grant of an allowance under either clause (a) or clause (b) without the permission of the Local Government. In cases however where it does not exceed Rs. 500, and where the period during which the officer has remained unemployed through suspension or dismissal does not exceed six months, the excess expenditure may be admitted on the sanction of the authority mentioned in clause (a) or in clause (b) as the case may be.

NOTE.—[The subsistence allowance referred to in clause (a) is authorised as a matter of grace only, and cannot be claimed as of right.]

**194. Commitment to Prison.**—A servant of Government committed to prison either for debt or on a criminal charge, should be considered as under suspension from the date of his arrest, and not allowed to draw any pay until the termination of the proceedings against him. When an adjustment of his allowances should be made according to the circumstances of the case, the full amount being given only in the event of the officer being acquitted of blame or (if the imprisonment was for debt), of its being proved that the officer's liability arose from circumstances beyond his control.

**\* 195. Leave while under Suspension.**—Leave of absence for a definite period is not admissible to an officer who has been suspended from duty. If permission to proceed to England is granted in such a case, it should only be for such period as the Secretary of State may determine.

### STATUTORY RULES.

† 567. The leave of absence of the Bishops of Calcutta, Madras and Bombay is regulated by the following Statutory Rules made under Royal Warrant, dated 13th April, 1920, under Statute 5 and 6, Geo. 5, c. 61, s. 121:—

1. Bishops may be allowed furlough or extraordinary leave.
2. The amount of furlough earned by a Bishop is one-third of the time during which he has been on duty, and the furlough due is the amount earned diminished by the amount taken.
3. Furlough which is due may be granted to a Bishop for not more than eight months at a time.

4. On medical certificate, furlough may be granted to a Bishop, or furlough already granted may be extended, up to a maximum of eighteen months at a time, even if the amount of furlough due is less than eighteen months.

5. Leave under Rules 2 to 4 above may be granted to the Metropolitan by the Governor-General in Council, and to the Bishops of Madras and Bombay by the Government of those Presidencies on the recommendation of the Metropolitan.

6. The Governor-General in Council may grant to a Bishop furlough which is not due for a period not exceeding three months, either by itself or in continuation of furlough already granted, when the furlough is required for extraordinary or wholly special purposes, such as attendance at a Lambeth Conference. Furlough which is not due cannot be granted for private or domestic reasons however emergent they may be, or for ordinary church purposes.

NOTE.—[Furlough which is not due is granted to the Bishop of Madras or Bombay under this rule on the recommendation of the Metropolitan, and with the concurrence of the Local Government concerned.]

7. A Bishop who at the time of his appointment as such was a member of any of the Government services in India, and had at his credit furlough without medical certificate under the rules applicable to the branch of the service to which he belonged, may be granted furlough for a period not exceeding the amount so standing at his credit; provided that such furlough shall not be taken until after the completion of two years on duty as Bishop of Calcutta, Madras or Bombay as the case may be, and shall not exceed eight months.

8. The Governor-General in Council may in his discretion grant extraordinary leave to a Bishop even when no furlough is admissible under the above rules.

588. The following rules made under Statute 5 and 6, Geo. 5 c. 61, s. 118, by the Secretary of State for India in Council regulate the salaries, allowances and expenses for equipment and voyage of the Bishops of Calcutta, Madras and Bombay and the allowances of the Archdeacons of Calcutta, Madras and Bombay.

1. The Bishop of Calcutta and the Bishops of Madras or Bombay shall be paid salaries at the rates of Rs. 3,831-6-8 and Rs. 2,133-5-4 a month, respectively.

2. The Archdeacon and Acting Archdeacon of Calcutta, Madras, or Bombay shall receive special allowances of Rs. 266½ and Rs. 186½ a month, respectively, in respect of his Archdeaconry.

3. The Bishop of Madras or Bombay exercising the episcopal jurisdiction and functions appertaining to the See of Calcutta during the vacancy of the See by the demise of the Bishop thereof for the time being or otherwise, shall receive the full salary fixed for the office, *viz.*, Rs. 3,831-6-8.

4. A Bishop while absent on extraordinary leave is not entitled to any allowances.

5. A Bishop while absent on furlough shall be allowed full pay, less Rs. 500 a month, but no other allowances, except that, when the Bishop of Madras or Bombay performs the functions of the Bishop of Calcutta, the Bishop of Calcutta shall receive the salary of his office, less Rs. 833-5-4 a month, and the Acting Bishop an allowance of Rs. 833-5-4 a month in addition to his salary as Bishop of Madras or Bombay.

6. The Bishop of Calcutta, Madras or Bombay, when on tours of visitation shall draw a monthly allowance of Rs. 1,000 (which is intended to cover all his expenses and those of his clerks and messengers for journeys by land) for the whole period of visitation, in addition to the actual expenses of journeys by sea; provided that the monthly allowance shall not be drawn by any individual Bishop for more than eighteen months in every three years of his term of office. The allowance, which is admissible only when the Bishop is actually engaged in episcopal visitation or is travelling with that object in view, shall not be drawn for any period spent in the visitation of a sanatorium without the express approval of the Local Government.

7. (a) An Archdeacon \* or a Chaplain appointed to hold charge of a diocese during the absence on leave of a Bishop or during a vacancy in the See, shall receive an allowance of Rs. 500 a month in addition to the pay of his substantive office, and the travelling and other similar allowances admissible to the Bishop.

(b) The allowance of Rs. 500 shall be paid to an Archdeacon or Acting Archdeacon for holding charge of a diocese in addition to his allowances as Archdeacon or Acting Archdeacon.

8. A Bishop of Calcutta, Madras or Bombay, if resident in Europe at the time of his appointment to the bishopric of Calcutta, Madras,

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\* The Archdeacon of Calcutta or Madras or Bombay is, without further appointment, Commissary to his Bishop. Officiating Archdeacons act under a power of Attorney granted to them by the Archdeacons whom they represent. An Officiating Archdeacon is not *ex-officio* Commissary to his Bishop, but may be admitted to the office, on taking the customary oaths. *Ed.*

or Bombay, shall be paid the sum of £300 for the purpose of defraying the expenses of his equipment and voyage.

If resident in India or Ceylon at the time of his appointment, a Bishop of Calcutta, Madras or Bombay shall be paid £225 for equipment, but no allowance for voyage. If resident elsewhere than in Europe, India, or Ceylon, he shall be paid £225 for equipment and such further sum, not exceeding £75 as shall be decided by the Secretary of State for India in Council, according to the circumstances of the case. Provided that no Bishop who was, at the time of his appointment, a member of the Government Service in India, shall be paid any allowance, wherever he may be at the time of his appointment.

9. The Archdeacons of Calcutta, Madras, or Bombay shall draw furlough allowances as under:—Ordinary furlough, £600 a year; other furlough, £480 a year.

**569A.** (a) The pensions of the Bishops of Calcutta, Madras and Bombay are regulated by Statute 5 and 6, Geo. 5, Cap. 61, s. 120, as amended by 6 and 7, Geo. 5, Cap. 37, s. 7 (1), as follows:—

"His Majesty may, by warrant under the Royal Sign Manual, counter-signed by the Secretary of State, grant, out of the revenues of India, to any Bishop of Calcutta a pension not exceeding fifteen hundred pounds per annum if he has resided in India as Bishop of Calcutta, Madras or Bombay or Archdeacon for ten years, or one thousand pounds per annum if he has resided in India as Bishop of Calcutta, Madras or Bombay for seven years, or seven hundred and fifty pounds per annum if he has resided in India as Bishop of Calcutta, Madras or Bombay for five years, or to any Bishop of Madras or Bombay a pension not exceeding eight hundred pounds per annum, if he has resided in India as such Bishop for fifteen years."

(b) When a Statutory Bishop, who at the time of his appointment as such was a member of one of the permanent services in India, is permitted to retire without becoming entitled to a statutory pension, he will receive such pension as he might receive under the rules applicable to the branch of the service to which he so belonged and will reckon the period of his service as Bishop towards that pension.

**570. Non-Statutory Bishops.**—The official status of the Bishops of Lahore, Rangoon, Lucknow and Nagpur is that of a Senior Chaplain, and they are subject to all the rules in Articles 573 to 599 except the proviso contained in Article 583 (a) (iv).<sup>\*</sup> Articles 567 and 568 do not apply to them.

**571.** The following special allowances are granted to the Archdeacon of Lahore:—

	Substantive officers.	Officiating officers.
	Rs.	Rs.
Archdeacon of Lahore	200	100

**572.** Formal appointment of the Archdeacon by the Government to hold charge of a Diocese is not necessary to enable the Accountant-General to pass the extra allowance of Rs. 500, and the travelling and other allowances admissible to the Bishop. Notice officially received that the Government has directed the Archdeacon to undertake the Bishop's jurisdiction or to take charge of the Diocese is sufficient.

### CHAPLAINS.

**573. Residence and Service.**—(a) Residence (or Active Service) is reckoned, in the case of a Chaplain appointed in England, from the date of his arrival in India, and in the case of a Chaplain appointed while resident in India, from the date on which he takes charge of his office, but

<sup>\*</sup> Article 583 (a) (iv) is not printed below. It lays down the limitation of the grant of leave to 20 per cent. of the Chaplains belonging to a Diocese. *Id.*

he must not assume charge of his office, before the despatch from the Secretary of State appointing him is received in India. Residence includes, besides time spent on duty,—(i) Privilege and Subsidiary leave. (ii) Time passed out of employ in India, otherwise than on leave.

NOTE.—[Probationary Service, whether passed under Government or not, counts as 'Residence' subject to the provisions of Article 576.]

(b) "Service" includes "Residence" and also all time spent on leave of any description, but no time before the beginning of "Residence."

**574. Date of Arrival in India.**—A Chaplain is held to have arrived in India on the date on which he reports his arrival either at the Headquarters of the Diocese to which he is attached, or at any other station to which he may be appointed or directed to proceed.

**575.** (a) A Chaplain on the Bengal Establishment who is posted in England to the Lahore Diocese, or to any station in the Central Provinces or north of Allahabad, who comes out to India *via* Bombay, or by direct steamer to Karachi, and who is instructed by the Secretary of State to enquire from the Secretary to the Government of Bombay, or at Karachi from the Commissioner in Sind, for orders as to his ultimate destination, is held to have arrived in India on the date on which he reports his arrival at the station to which he is directed to proceed in the orders he receives at Bombay or at Karachi, if he travels by direct steamer to that port.

(b) A Chaplain who is not on the Bombay Establishment, and who is not posted to any station in the Lahore Diocese, or to any station in the Central Provinces, or north of Allahabad, but who comes out to India *via* Bombay, is held to have arrived in India on the date on which he reports his arrival at the Presidency town of the Presidency to which he is attached, or, if he receives orders at Bombay to proceed to any particular station, from the date of his arrival at that Station.

(c) The report of arrival, in each instance, is to be made to the Bishop of the Diocese, to which the Chaplain is attached.

**576. Probationers.**—A Chaplain serves on probation for two years (three years in the case of those who entered the service on or before the 22nd September, 1915), at the end of which he is, if reported fit by a Medical Board in India and considered qualified by the Bishop of his Diocese, confirmed as a Junior Chaplain. Time spent in India on service under the Additional Clergy Society, or on other approved service, may be included in the period of probation. Probationary service, which is passed under the Government, counts in all cases towards leave and gratuity, and it also counts towards pension. Probationary service, which is not passed under the Government, does not count towards leave or gratuity, but it counts towards pension.

NOTE.—[A clergyman must have been three years in orders and must be in priest's orders and must have attained the age of 27 years before his nomination as a probationer, or before he can count approved service not passed under Government towards probation.]

**592.** (b) Privilege leave may be granted to a Chaplain appointed before the 29th July, 1906, as follows: (i) after 5 months' uninterrupted duty,—for not more than one month (ii) after 10 months' uninterrupted duty,—for not more than two months: (iii) after 15 months' uninterrupted duty,—for not more than three months.

**595.** A Chaplain may not take Privilege leave under Article 592 (b) in instalments.

**598. Benefices in the United Kingdom.**—(a) A Chaplain in receipt of leave or furlough allowances who desires to accept a benefice in the United Kingdom, or to take up other employment, must obtain the previous permission of the Secretary of State in Council or of the Government of India according as his leave is taken out of or in India.

(b) Should he, after duly obtaining such permission, accept a benefice,

his Indian appointment will be deemed vacant on the expiry of any leave, which may have been granted to him, unless before the expiry of his leave he shall have resigned the benefice after having first obtained the consent of the Secretary of State and of the Bishop of the Diocese in which the benefice is situated to his doing so. No extension of leave will under any circumstances be granted to a Chaplain drawing leave or furlough allowances who has accepted a benefice in the United Kingdom, unless he has resigned the same before the expiry of such leave or furlough with the consent before mentioned.

**599. Right and title to pension.**—Chaplains on the Indian Ecclesiastical Establishment are entitled to pension according to the following scale:—

*Gratuity and Pension on Medical Certificate.*

Under ten years' residence, for each completed year, a		£
gratuity of		80
After 10 years' residence in India a pension of		160 per annum
11	"	190
12	"	220
13	"	250
14	"	280
15	"	310
16	"	340
17	"	370
18	"	400
19	"	408

*Retiring Pension*

After 20 years' residence and 25 years' service .. 480 ..

**NOTE 1.**—[An invalid pension after the completion of ten, but before the completion of eighteen, years of residence is admissible only after a trial of a temperate climate and upon a certificate from the Medical Board attached to the India office that the officer is permanently unfit to serve in India.]

**NOTE 2.**—[A Chaplain appointed at an age exceeding 30 years, is entitled to add to the period of his residence and service for retiring pension under this Article, but not for any other class of pension, the period by which his age may have exceeded 30 years at the time of appointment, provided that five years shall be the maximum period which can be so added.]

**Exception 1.**—A Chaplain appointed after the 18th February, 1918 may be permitted to resign his appointment on completion of five years' service provided he has given six months' notice of his wish to do so, and he will be granted a bonus of £400 if his service has been satisfactory.

**Exception 2.**—A Chaplain who, having completed the period of probation, is not confirmed in his appointment, is eligible for a gratuity as is admissible on Medical Certificate, in respect of service passed subsequent to his nomination as a probationer, provided that his non-confirmation is not due to misconduct on his part. A similar gratuity may also be granted to a Chaplain who resigns his appointment during his probation with the full approval of the Bishop of the diocese, and for reasons considered as satisfactory by the Local Government, provided that the Chaplain has completed at least one year's actual residence in India subsequent to his appointment as a probationer.

**599A.** A non-statutory Bishop of Lahore, Rangoon, Lucknow, or Nagpur, if not borne upon the ecclesiastical establishment previous to appointment shall be entitled—

- (i) to the pension and gratuity provided for Chaplains in Article 599, subject to the conditions that the gratuity of a Bishop invalidated before completing 10 years' service shall be calculated at the rate of £120 per year of completed residence (as defined in Article 573), and that the maximum and minimum of such gratuities shall be £1,080, and £200, respectively;
- (ii) to reckon as residence and service qualifying for retiring pension (but

not for invalid pension), the number of completed years by which his age may at the time of appointment have exceeded 30 years, subject to the proviso that 5 years shall be the maximum period which can be so added.

\* **600. Compulsory Retirement.**—The Local Government may require a Chaplain to retire at the age of 55 years, provided that he has rendered sufficient service to qualify for a retiring pension under Article 599. Chaplains who entered the service on or before the 22nd September, 1915, may, however, be permitted, before being compelled to retire, to enjoy any furlough that may be due to them at the time when they reach the age above-mentioned.†

NOTE.—[The furlough granted under this Article is subject to the limit of two years prescribed in Article 583 (a).]

‡ **601.** No leave, other than Privilege leave under Article 592 may be granted to a Chaplain who has completed twenty-five years service. Leave other than Privilege leave granted to a Chaplain before completion of twenty-five years service ceases to have effect on such completion.

NOTE.—[Articles 600 and 601 do not apply to the Bishops of Lahore, Rangoon, Lucknow and Nagpur (see Article 570).]

**601A. Return passage.**—(1) If during his period of probation, a Chaplain is declared by a Medical Board to be permanently incapacitated for further service in India, he is entitled on retirement to a free passage to his country, provided that he has not before his retirement taken leave on medical certificate.

(2) A Chaplain who resigns his service under the rule contained in Exception 1 to Article 599 and is granted the bonus of £400, will be granted a free passage if he claims it within three months of the determination of his service and leaves India within such time as he may be directed.

(3) A Chaplain who within three years relinquishes his appointment for any cause other than certified ill-health, or is removed from it for misconduct of any kind, is not entitled to a return passage to his country and is liable to be called upon to refund the cost of his passage to India. The Local Government may, however, waive the claim to refund in cases not involving misconduct, when satisfied that the circumstances justify the concession. A Chaplain who, having completed the period of probation, is not confirmed in his appointment is not liable to refund the cost of his passage to India.

**602. Ministers other than Chaplains.**—A Clergyman appointed under the orders of the Government to perform the duties of a Chaplain on the regular establishment is entitled to an allowance of Rs. 100.‡

§ **603.** The allowances of a Clergyman (whether of the Additional Clergy Society or of any other recognized Society) are regulated by the Local Government within an annual grant allotted to each Government.

\* F.R. 56 (a).

† An officer is bound to obey the Government when it requires him in the interest of the Public Service to serve for a longer period than that which qualifies him for a pension. Permission to retire will not as a matter of practice be refused to any Officer who has completed the term of Service qualifying for pension unless there are emergent reasons for retaining his Services. (G. of I. Resolution, No. 1484, dated the 3rd October, 1919, Home Department.)

‡ F.R. 86.

§ This sum is raised to Rs. 125, No. 448, Government of India, Department of Education, dated 18th November, 1920.

|| A Local Government has power to appoint local Clergymen to perform the duties of a Chaplain on the Regular Establishment whenever the number of Chaplains on duty (including those on special duty) is less than the number of sanctioned Chaplaincies in the Diocese. G.I.F.D. No. 5998,

\* 815. **Record of Services.**—A record of each Chaplain's service is kept by (1) the Accountants-General of the provinces in which the Chaplains serve, and (2) the Accountant-General, Central Revenues, for the Archdeacon of Calcutta

822. **Pensions to Chaplains.**—Application may be made to, and pensions are granted by the Government of India, Local Governments, or by the Secretary of State as the case may be

NOTE.—A Chaplain who proceeds to Europe on leave should give four months notice, if he decides to retire without returning to India.

823. **Application in England.**—A Chaplain proceeding to England on retirement, without applying for pension, should procure a certificate in Form 30 —

(1) From the Accountant General of the Province in which he is serving or has last served

(2) In the case of the Archdeacon of Calcutta, from the Accountant-General, Central Revenues

824. **Application in India.**—A Chaplain of the Church of England, who wishes to obtain pension from the authorities in India must submit his application through the Archdeacon or the Bishop of his Diocese, to the Local Government under which he is serving or has last served. The Archdeacon of Calcutta will submit his application to the Government of India in the Department of Commerce

825. **Last-pay Certificate.**—A Chaplain to whom pension has been granted in India should be careful before proceeding to England to obtain the usual certificate of the last issue of pay or pension to him in India

### TRAVELLING ALLOWANCE.

† 925. **Definition.**—Travelling allowance is given to an officer to cover the actual travelling expenses incurred by him in travelling in the interests of the public service. It is a fundamental principle that the allowance is not to be a source of profit, and, save as especially provided in these Regulations, no allowances are granted to meet the expenses of the families of the officers accompanying them when travelling on duty

926. **Route for Calculation of Travelling Allowance.**—(a) For the purpose of calculating travelling allowance, a journey between two stations shall be held to be performed by the shortest of two or more practicable routes, or by the cheapest of such routes as may be equally short

NOTE.—[Where there are alternative railway routes, and the difference between them in point of time and cost is not great, travelling allowance should be allowed for the route actually used.]

(b) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling. In case of doubt the Head of the Department concerned will, in respect of journeys within his jurisdiction performed by officers under his control, declare which shall be regarded as the shortest of two or more routes

(c) If an officer travels by a route which is not the shortest, but which is cheaper than the shortest, his travelling allowance is calculated by the route by which he makes the journey

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dated 22nd September, 1904 [The word Chaplaincies refers here to places and not persons.]

Clergy employed at Railway Centres will receive Rs. 200 a month. In cases where the present allowance is less than Rs. 150, a proportionate increase will be given

The intention of the Government of India was and is that Rs. 200 per mensem should be given to those clergy only who were previously in receipt of Rs. 150 per mensem, and that where the allowance was less than Rs. 150 per mensem, a proportionate increase only should be given. [Department of Education, Letter No. 157, dated Simla, 18th April, 1921.]

\* F.R. 74.

† F.R. 9 (38), 44.

**997.** The Local Government, or the Head of the Department in the case of journeys within his jurisdiction performed by officers under his control, for special recorded reasons, may permit travelling allowance to be calculated by a route other than the shortest or cheapest, provided that the journey is actually performed by such route.

**NOTE.**—[In the case of journeys between stations which are in the jurisdiction of different Local Governments, Heads of Departments under whose orders transfers are made from one province to another may exercise the powers of a Local Government, under Arts. 996 and 997.]

**998.** The point in any station from which a journey is to be held to commence, or at which it is to be held to end, is the chief public office or any other point fixed for the purpose by the Local Government.

**NOTE.**—See Note under Art. 1065 (iii) (1)

**999. When Means of Locomotion are supplied.**—(1) An officer who is provided with and avails himself of means of locomotion at the expense of Government, a Local fund or an Indian State, and does not pay the expenses of its use or propulsion, draws travelling allowance as follows:—

(a) If he has not to provide separate conveyance at his own expense for his servants or luggage, he draws the daily allowance ordinarily admissible to him and is not entitled to exchange the daily rate for mileage under Article 1065. But if part of the journey is performed by other means of locomotion, he may at his option draw in lieu of daily allowance the travelling allowance admissible for that part

(b) If he has to provide separate conveyance at his own expense for his servants, or luggage, he may, under Article 1065 exchange his daily allowance for half the mileage ordinarily admissible to him, and may draw in addition the travelling allowance admissible for any part of the journey performed by other means of locomotion

(2) An officer provided with the means of locomotion as in clause (1) who pays all expenses of its use or propulsion is entitled to travelling allowance under the ordinary rules, subject to the deduction therefrom of such fixed hire or charge as the Local Government, or Head of an Imperial Department in respect of journeys within his jurisdiction performed by officers appointed by him and under his control, may fix.

**1002. Classification of Officers.**—For the purposes of this part of the Regulations Officers are divided in four classes:—

*First*—The first class includes (among others) Chaplains

**1008. Temporary Employees.**—A person employed temporarily, by competent authority, is entitled to travelling allowances under the rules applicable to officers of corresponding rank with permanent appointments.

#### A.—TRAVELLING BY RAILWAY.

**1011. Class Accommodation.**—Officers travelling by Railway on duty are entitled to class accommodation according to the following scale:—  
Officers of first class—Highest class accommodation (by whatever named called) provided on the line by which the officer is required to travel.

**1012. Ordinary Allowances.**—The allowance admissible to an officer of the first class is double the fare of the class in which he is entitled to accommodation

**1013.** When an officer is entitled to or is allowed free transit by rail his travelling allowance must, save as otherwise provided in Arts. 1007 to 1009, be reduced by the amount of the fare which, but for such free transit, he would have paid.

**NOTE 1.**—[This Article applies to every case not covered by a specific rule to the contrary, in which an officer is provided with a free pass, and not merely to the case of free passes granted on railways which are worked directly by Government.]

**NOTE 2.**—[The deduction made from travelling allowance under this Article shall ordinarily be for the full number of fares covered by the pass; that is in the case of a first class pass—one first and two third class fares and in the case of a second class pass—one second class and one third class fare. If the deduction made on any bill is less, the officer drawing the bill must attach a certificate that he did not use the pass in respect to the fare or fares for which the deduction is not made.]

#### B—TRAVELLING BY SEA OR RIVER.

**1016. Scale of Accommodation.**—Officers travelling by sea or in a river steamer on duty are entitled to class accommodation according to the following scale

(a) *Officer of the First Class*—First Class.

**1017.** The allowance admissible to an officer of the first class is double the fare of the class in which he is entitled to accommodation.

**NOTE.**—[The word "fare" in this rule means "fare without diet" in cases where the Steamer Company has two rates, namely, one with diet and the other without diet.]

**1017-A.** When an officer is allowed free transit by steamer otherwise than in a Government vessel (as to which see Articles 1028 to 1030) his travelling allowance must be reduced by the amount of the fare which, but for such free transit, he would have paid

**NOTE.**—[When such free transit is allowed by means of a pass the deduction made from travelling allowance under this Article shall ordinarily be for the full number of fares including the fares of servants covered by the pass. If the deduction made on any bill is less, the officer drawing the bill must attach a certificate that he did not use the pass in respect to the fare or fares for which the deduction is not made.]

**1021.** Except as provided in Article 1094 no more personal luggage can be carried at the expense of the State than the quantity the freight on which is included in the charge for passage

**1023. Government Vessels.**—An officer is bound to travel in an Indian Government vessel, if suitable accommodation be offered to him

**1029.** An officer travelling otherwise than on payment of passage money in a vessel, the cost of which is paid by the State or Local Funds, is entitled to draw only the daily allowance ordinarily admissible to him. In cases in which servants and luggage are not conveyed on the vessel but are sent separately at the expense of the officer, he may be given the actual expenses of transporting them

**1031. Crossing River or Arm of the Sea by Steamer.**—The rules in this section apply to an officer crossing a river or arm of the Sea by steamer in the course of a journey, but when such crossing occurs in the course of a railway journey, and the charge thereof is included in the railway fare, the rules in Articles 1011–1013 of this Chapter are applied

#### C—TRAVELLING BY ROAD.

**1033. Definition.**—Travelling by road includes travelling by sea or river otherwise than on a steamer (e.g., by steam launch or boat) and travelling by canals

**1034. Ordinary Mileage Rates.**—For journeys by road, mileage allowance is calculated for officers of the first class at the rate of 8 annas per mile

**1035.** In calculating travelling allowance at mileage rates, fractions of a mile should be omitted, but only in the total of a bill for any one journey and not in the various items which make up the bill.

**1038. Rule 2. Solemnisation of Marriage.**—A Chaplain proceeding to a distance from headquarters to solemnise a marriage is not travelling on duty within the meaning of this Article

**DAILY ALLOWANCES**

**1052. Condition of Grant.**—(a) A daily allowance is intended to cover the ordinary daily charges of an officer on tour: it is drawn only during absence from headquarters on duty, including the period of halts on duty, or on an authorized holiday, during such absence.

(b) Save where otherwise expressly provided, daily allowance is inadmissible for journeys, or halts in the course of journeys, under any other Chapter of these Regulations.

**1053. Beginning and End of Tour.**—The period of absence from headquarters begins on the day on which the officer actually leaves headquarters and ends on the day on which he returns to them. It is not reckoned by the departure or return of his camp equipage.

**1055. Minimum Limit of Distance.**—No travelling allowance, other than a permanent monthly allowance, is admissible for any day on which an officer does not reach a distance exceeding five miles from headquarters, or return thereto from a distance exceeding five miles. But an officer travelling on duty within five miles of headquarters is entitled to draw the actual amount spent by him in payment of ferry and other tolls or railway fare.

**1056. Halts during Tour.**—A daily allowance may not be drawn for more than ten days of a halt at one place. But general exemptions from the operation of this rule may be sanctioned by the Local Government by a general rule or order, where they are satisfied—

(a) that prolonged halts are necessary in the interests of the public service, and

(b) that such halts necessitate the maintenance of camp equipage or, where no camp equipage is maintained, entail extra expense on the officer after the first ten days.

Similar exemptions, subject to the same conditions, may be granted in individual cases up to a limit of 30 days by Imperial Heads of Departments and Provincial Heads of Departments, Commissioners of Divisions, Settlement Commissioners and Superintending Engineers to whom the Local Government may delegate authority for this purpose.

It is open to the authority sanctioning the exemption to lay down any limits or conditions, which it may think fit to impose; for instance, when an exemption is made under this Article, the full daily allowance admissible under the rule may be reduced by such an amount, and may be granted for such number of days as the sanctioning authority may deem proper in each case.

**1057.** (a) For the purpose of Article 1056 a halt is continuous unless terminated by an absence at a distance exceeding 5 miles for a period including not less than three rights.

(b) In calculating the ten days referred to in that Article any day on which the officer travels or halts outside the five miles radius is to be excluded. For such a journey or halt the officer may draw daily allowance or, if he is entitled to them, allowances under Article 1065.

(c) After the expiry of ten days an officer may draw travelling allowance under the ordinary rules for journeys from the halting place even though followed by a return to it.

**1063. Ordinary Rates.**—Officers are entitled to daily allowances as follows:—An Officer of the first class, Rs. 5.

**MILEAGE IN LIEU OF DAILY ALLOWANCES.**

**1065. When Daily Allowances are exchangeable.**—An Officer may for any day draw in lieu of his daily allowance—

(i) If he travels by railway or steamer or both, the allowances admissible under Arts. 1011 to 1013 or Arts. 1016 to 1031, or both, as the case may be;

(ii) If he travels more than twenty miles by road the allowances admissible under Articles 1032 to 1035.

(iii) If he travels partly by road and partly by rail or steamer, or both—

(1) In respect of the road journey, the allowance admissible under Arts. 1033 to 1035, limited, unless the conditions of clause (ii) of this Article are fulfilled, to the amount of the daily allowance.

NOTE.—[In determining the allowance admissible under clause (iii)

(1) for a road journey other than a journey to and from an officer's headquarters, the distance actually travelled on duty shall be taken into account, without reference to the situation of any public office or other point fixed by a Local Government under Art. 998 provided that the road and rail journeys are made on the same day and in continuation of each other.]

(2) In respect of the journey by railway or steamer, the allowances admissible under Art. 999, or Arts. 1011 to 1013, or Arts. 1018 to 1031, or both, as the case may be.

**1074. Conveyance Allowances.**—When an officer has a large amount of travelling at or within a short distance from headquarters, for which travelling allowance is inadmissible under this chapter, a permanent conveyance or horse allowance is granted to him, which is drawn throughout the year.

**1075.** Conveyance allowances are granted to the officers in Appendix 26, as follows:—

\* ECCLESIASTICAL OFFICERS.

103.	Chaplain of S. Thomas' Mount, Madras, while also in charge of Pallavaram .. ..	Rs. 150
104.	Anglican Chaplains of Aden, Agra, Ahmedabad, Allahabad, Anarkali, Howrah, Meerut, Mhow, Mian Mir, Peshawar, Rangoon, Rawalpindi, Secunderabad, Sialkot, Trimulgherry, and Umballa .. ..	50
105.	Senior and Junior Chaplains of S. Paul's Cathedral, Calcutta, for visiting the Presidency Jail and Presidency General Hospital, respectively .. ..	50
106.	Anglican Chaplain of Bombay appointed to perform funeral services at Sewree .. ..	50
110.	Each of the two Chaplains of Karachi .. ..	30
111.	Chaplain of Hyderabad (Sind) for visiting Kotri; Anglican Chaplain of Kampti; Missionary of S. P. G. who performs the pastoral duties of the Civil Station at Cawnpore; Chaplain in sole charge of the double Chaplaincy at Vepery; Chaplains of Bolaram, Nagpur, Naini Tal, Mussoorie and Ranikhet. Chaplain of Wellington for visiting Cordite Factory near Wellington, Chaplain of Leborg .. ..	30
112.	Chaplains of S. Paul's Church, Poona, Jubbulpur, Multan, Delhi, Ferozepore, Jhansi, Jullundur, Chakrata, Lucknow and Lucknow Cantonment, Chaplain of Dalhousie from 15th April to 15th October; Chaplain of the Murree Gullie Stations of Gharial, Upper and Lower Topra and Clifden from April to October; the Chaplain of Ahmednagar, for such periods as the new barracks at East Ridge are occupied by a regiment requiring the services of a Chaplain of the Church of England .. ..	25
113.	Chaplain of Dinapore and Bankipore .. ..	20

**1076.** (a) A permanent conveyance allowance is not forfeited during absence from head quarters, and may be drawn in addition to any other travelling allowance admissible under rule.

(b) It is, however, inadmissible, except in the undermentioned cases, during joining time and leave.

*Exception 1.*—Provided it is not drawn by another officer during his absence, conveyance allowance may be drawn during privilege leave by an Archdeacon and a Chaplain.

**1083. Journeys to join first Appointment.**—Travelling allowance is not ordinarily granted to any person for the journey to join a first appointment in the public service.

**Exceptions.**—In the following cases travelling allowances are admissible for joining a first appointment :—

(c) To a Chaplain appointed to the service of Government while resident in India, from the place where he receives the order of appointment.

**1092.** Officers appointed in Europe to the Public service in India are ordinarily allowed by the Secretary of State a free passage to India.

**NOTE**—[For special rules regarding the grant of Return Passages to Chaplains see Art 601 A ]

**1092.** An officer who is appointed by the Secretary of State while resident in Europe, and who is not one of the high officers referred to in Art 1087, is entitled to travelling allowance at the rates laid down in Articles 1011 to 1035, from the capital town of the Presidency to which he is attached, to the first station to which he is posted.

**1093.** (a) If such an officer disembarks in India at any port other than the capital town of the Presidency to which he is attached, he is entitled to travelling allowance from such port to the first station to which he is posted, limited to the amount to which he would have been entitled under the preceding Article if he had disembarked at such capital town.

(b) But if an officer is directed by the Secretary of State to proceed to a particular port, he is entitled to travelling allowance from that port.

**NOTE**—[For the purpose of the preceding Articles an officer attached to any Province other than Bombay or Madras is held to be attached to the Bengal Presidency.]

### JOURNEYS ON TRANSFER.

**1094. General Rules.**—An officer in superior service is entitled to travelling allowance at the rates prescribed in Articles 1011 to 1035 for a journey on transfer from one station to another, if he is transferred for the public convenience and not at his own request or in consequence of misconduct, and if he is entitled to pay or salary during the time occupied in such journey. He is also entitled to the following concessions :—

(A) For journeys by railway or steamer—

(i) *For self* One extra fare of the class to which he is entitled under Articles 1011 to 1035.

(ii) *For family* One extra fare for each adult member and half fare for each child where this is charged by the railway or steamer authorities.

(iii) *Personal effects* Free transport by goods train, steamer, or other craft, up to a maximum of 40, 20 and 12 maunds (if the officer travels alone) and 60, 30 and 15 maunds (if he is accompanied by his family), respectively, for 1st, 2nd and 3rd class officers as defined in Article 1002, and the free carriage of tents in Madras, or wherever tents are not supplied to touring officers by Government but have to be purchased and maintained by them, the number of tents so carried being subject to a scale to be prescribed by the Local Government as suitable to officers of a particular class.

(iv) Free transport of conveyances and horses as shown below provided that—(1) The distance travelled exceeds 80 miles, and (2) The officer holds an appointment in which the possession of a conveyance or horses is advantageous from the point of view of his efficiency. (a) First class officers. A carriage or motor car or motor cycle (with or without side car), and two horses.

(v) For journeys by Government steamer free transport is allowed of the officer himself, his family, servants, and their *bond fide* personal effects, also of conveyances and horse up to the limit prescribed in clause (A) (iv) of this Article. An officer is also entitled to draw the daily allowance ordinarily admissible to him.

**NOTE**—[If an officer carries his personal effects by passenger, instead of by goods, train he may be allowed the actual expenditure incurred by him up to the maximum amount which might have been charged had he taken the full *maundage* permissible by goods train.]

1. In the case of a motor car, the cost of conveyance of a chauffeur or

cleaner may also be allowed whether separately charged for or not; similarly for each horse the cost of conveyance of one syce and one grass-cutter may be allowed.

2 The conveyances or horses charged must actually be carried by rail, steamer or other craft and only the rates charged for carrying the same at owner's risk will be allowed.

3 Local Governments will prescribe the class of officers for which the full scale of conveyances provided in clause (iv) should be allowed.

4 For purpose of Article 1094 the term "family" (*vide* Article 25) shall not be held to include parents, sisters, or minor brothers.

(B) For journeys by road—

(i) For self One extra mileage at the rate to which he is entitled under Articles 1011 to 1035

(ii) For family A single extra mileage if two members of the family are conveyed, two extra mileages if more than two members of the family are conveyed.

(iii) Free transport of goods up to the maundage limits given in (A) (iii) above according to a rate to be laid down by the Local Government. This rate will prescribe the average cost per mile of conveying a maund of goods by the cheapest method of conveyance.

(C) The term "personal effects" is not subject to definition, but controlling officers should satisfy themselves of the reasonableness of the claim for reimbursement. Where tents are supplied by Government they will not be included in personal effects for the purpose of clause (A) (iii), in other cases they may be conveyed as personal effects.

(D) If any member of the officer's family does not travel with him his or her journey may be charged for within the above limits, provided that he or she follows the officer within two months (if a gazetted officer) and six months (if a non gazetted officer) of the date of his transfer or precedes him by a period not exceeding one month.

(E) For the purpose of drawing the allowances on account of a family shown as (A) (ii) and (B) (ii) or the higher maundage allowance under (A) (iii) or (B) (iii) a certificate must be furnished by the officer of the number and relationship of the members of his family (as defined in note 4 to clause (A) above) for whom the allowance is claimed. All allowances claimed under (A) (iii), (A) (iv) and (B) (iii) must also be supported by a certificate that the actual expense incurred was not less than the sum claimed, and the claim under (A) (iv) must give details of the conveyances or horses transported.

**1099. Transfer not on Public Grounds, and for Misconduct.**—When an officer is transferred otherwise than for the public convenience, a copy of the order of transfer shall be sent to the Audit Officer of the circle of audit in which he is serving, with an endorsement stating the reason of the transfer. In the absence of such an endorsement the Audit officer shall assume that the officer has been transferred for the public convenience.

**1100.** The authority competent to order the transfer may, if it thinks fit, by special order permit an officer transferred for misconduct to draw travelling allowance.

**1103. Appointment changed in Transit.**—An officer whose appointment is changed while he is in transit from one appointment to another, is entitled to travelling allowance from his old station to the place (on the route to the station to which he was proceeding) at which he receives his further orders and thence to his new station.

**1104.** An officer is entitled to travelling allowance under this Section from his old station to his new station even though privilege or examination leave intervenes.

**1106.** An officer who, while in transit, obtains Furlough on Medical Certificate, is entitled to travelling allowance calculated for the journey from the old station to the furthest place to which he has proceeded on the route to his new station.

**1107.** When on return from long leave an officer is posted to a station other than that at which he was posted when he proceeded on leave, the controlling officer may allow him to recover the allowances provided under clauses (A) (iii) and (iv) and (B) (iii) of Article 1094 for the carriage of personal effects and conveyances from the station from which he proceeded on leave to the station to which he is posted.

**1112. Journeys to Hill Stations.**—When an officer is permitted for his own convenience to conduct his duties at a hill Station, neither he, nor any of the establishment which accompanies him, is entitled to travelling allowance for the journey to or from such Station.

**1114.** Officers other than those mentioned in the Hill Allowance Rules (see Article 1110), who require to go to a hill station on duty, are, under the ordinary rules, entitled to travelling allowance for the journey there and back and to daily allowances for the period of halt there on duty. But Local Governments and heads of departments have power to refuse, and should refuse, travelling allowance to an officer who visits a hill station on duty if he prolongs his visit beyond the period required for the performance of the duty.

**NOTE**—[In applying the ordinary rules to halts at hill stations under this Article, general exemptions from the rule laid down in Article 1056 made by Local Governments under that Article shall be held to be inapplicable. Provincial Governments may sanction specific exemptions under this article without limit of time, and other Local Governments, including authorities exercising the powers of Local Governments, may sanction specific exemptions up to 30 days.]

**1115.** An Audit Officer should retrench the travelling allowance, for a journey to and from a hill station, of an officer who remains at the hill station for more than ten days, unless the head of the department or, where the officer is himself the head of a department, the Local Government officially intimates that the presence of the officer was required on duty throughout the period, or that he was permitted to extend his stay during authorised holidays immediately following his period of duty, the duration of which should be stated.

**1119. Journeys to attend Examinations.**—A civil officer or a military officer in civil employ who obtains a reward for proficiency in an Oriental language, or who for the first time obtains a Degree of Honour in any language in the Second Division, is entitled to travelling allowance to and from the place of examination.

**1121. Journeys occasioned by Leave or Retirement.**—Save as provided in this Section, or by special order of the Government of India an officer is not entitled to travelling allowance for a journey on proceeding on, rejoining from, or during leave of any kind, or on retirement or dismissal from the public service.

**1121A.**—(i) Except as provided for in clauses (ii) and (iii) the grant of a free passage to or from England, in cases not provided for under the ordinary rules, requires the sanction of the Secretary of State.

(ii) The Government of India may grant passages, including, if necessary travelling expenses by rail to the port of embarkation, in urgent cases where in their opinion it is very desirable that an officer, or the dependents of an officer, should leave India and where the pecuniary circumstances of the individuals concerned are such that they are unable to leave without such assistance.

(iii) The Government of India may also sanction where they think the circumstances specially warrant it, a return passage for any officer entitled to a return passage on the termination of his agreement, whose services are retained in the public interest beyond the original period of his engagement; the Government of India may also sanction an extension of an original concession in regard to free passages home for an officer's family.

**1127.** An Officer recalled to duty before the expiry of leave is entitled, if the return to duty is compulsory (see Art. 199) and if the leave is curtailed

by one month or more, to travelling allowance for the journey from the place at which the order of recall reaches him, or, if such place be out of India, to free passage to India and travelling allowance from port of debarkation to the station to which he is recalled. If the amount of leave curtailed is less than one month, the foregoing privilege may be given or withheld at the discretion of the authority recalling the officer, or of the Secretary of State, according as the leave is in or out of India.

**NOTE.**—[An officer, who on recall from leave is ordered to proceed to a Station other than that from which he went on leave, may draw travelling allowance under Article 1094 for his family, if the conditions of that Article are satisfied, from the place at which the order of recall reaches him to his new Station: provided that the amount so drawn must not exceed the travelling allowance admissible under Article 1094 for taking his family from his original to his new station.]

**1132. Termination of Temporary Employment.**—A person employed for a temporary purpose, who has received travelling allowance for joining his appointment, may, on the termination of his employment, be allowed travelling allowance to the place at which he was engaged, provided the claim is preferred within three months of the termination of the temporary service, and the officer under whom the person was employed is satisfied that he intends to make the journey.

### JOURNEYS ON OTHER OCCASIONS.

**1133. To give Evidence.**—An officer summoned to give evidence of facts which have come to his knowledge, or of matters with which he has had to deal in his public capacity, either—

- (i) In a criminal case (including a case before a court martial), or
- (ii) In a civil case to which Government is a party, or
- (iii) In a departmental enquiry held by a properly constituted authority, may draw travelling allowance under the rules for journeys on tour, attaching to his bill a certificate of attendance given by the court or authority, and, subject the exception in Note 2, he is not entitled to receive any payment of his expenses from the court or authority. Any fees or expenses which may be deposited for the travelling and subsistence allowance of the witness in a civil or criminal court must be credited to Government.

**NOTE 2.**—[When a Government servant is summoned to give evidence at a court situate not more than 5 miles from his headquarters, and is therefore not entitled to any travelling allowance under the ordinary rules, the court may, if it considers it necessary, pay him the actual travelling expenses incurred.]

**NOTE 3.**—[An officer on leave summoned to give evidence of the kind contemplated in this Article is entitled to travelling allowance under this Article from and to the place from which he is summoned as if he were on duty.]

**NOTE 4.**—[An officer summoned to give evidence, before a Court of Law in a Native State or in Foreign Territory, of facts which have come to his knowledge in the discharge of his public duties may, for the journeys to and from the place where the Foreign or Native State's Court by which he is summoned holds its sittings, be granted the travelling allowance of his class under the Civil Service Regulations; any allowance which he may receive from the Court must be credited to Government.]

**1134. (a)** An officer summoned to give evidence under other circumstances is not entitled, by reason of his being an officer of Government, to any allowances, other than those admissible by the rules of the Court.

**(b)** But if the Court pays any sum by way of subsistence allowance or compensation, apart from any allowance for travelling expenses, he must repay that amount to Government before drawing full pay for the day or days of absence.

**1136. Journeys to obtain Medical advice or to accompany a sick officer.**—An officer compelled to leave his station, whether permanent or temporary, where there is no Medical officer, to procure medical advice, is on production of a certificate from the Medical officer consulted that the journey was, in his opinion, absolutely necessary, entitled to travelling allowance for the journey to and from the nearest station where a Medical officer is located.

NOTE.—[This Article is applicable to cases where an officer is compelled to leave his headquarters to obtain the certificates referred to in Articles 828 and 833. But no travelling allowance is admissible for journeys undertaken with a view to obtaining the certificate referred to in Articles 829 and 831 or the countersignature referred to in Articles 833 and 834.]

**1137.** The permission of superior authority should be obtained beforehand where it is possible to obtain such permission without risk to the officer requiring advice. Controlling officers must take care that undue advantage is not taken of this privilege. If the absence of the invalid officer from his station be prolonged, he should be required to take leave on medical certificate.

**1137A.** If a Government servant, under the advice of the Civil Surgeon or other Government Medical officer whose official duty it is to attend a sick officer professionally, is required to undertake a journey to a Presidency town or elsewhere, either when proceeding on leave on medical certificate or to procure further medical advice, and the Civil Surgeon (or other Medical officer as above) considers that it would not be safe for him to make the journey without attendance on the way, the Medical officer may either himself accompany the patient to his destination, or depute or arrange with some other Government officer to do so. In such cases the attendant shall be deemed to have been travelling on duty and may draw travelling allowance at the usual rates for the journey both ways.

**1137B.** A probationary chaplain, who is obliged to undertake a journey in order to procure from a Medical Board the health certificate required under Article 578, is entitled to travelling allowance for the journey.

**1138.** An officer applying for an invalid pension, who is required to leave his station to appear before a Medical Board, may, if the pension is applied for under the direction of the applicant's official superior on the ground of his incapacity for work and in the interest of the public service, be granted for the journey his actual expenses not exceeding the amount he would receive if travelling allowance were admissible. If it is necessary for the officer to return to his station after appearing before the Medical Board, he may be granted travelling expenses subject to the same limit. The bill should be supported by a certificate that the applicant was directed in the interest of the public service to apply for an invalid pension, and that he did not voluntarily ask to retire.

The same concession may be granted, with the sanction of a Head of a Department or Commissioner of a Division, in cases in which application is made voluntarily, provided such authority is satisfied that the circumstances of the applicant are such as to justify it.

**1139. Special Rates for Special Localities.**—A Local Government may prescribe that the ordinary rates of daily allowance, or mileage, or both, shall be increased either in a definite ratio or in any other suitable manner for all persons travelling in any specified district or locality \* in which travelling is specially expensive, provided that—

- (i) No daily allowance shall be increased so as to exceed Rs. 10;
- (ii) No mileage shall be increased so as to exceed Re. 1;
- (iii) The allowances admissible under Arts. 1011 to 1013 for journeys by railway shall not be increased.

\* The details are given in the Subsidiary Rules of each Local Government, and Chaplains should apply to the Archdeacon or to the Accountant General for particulars.

- (iv) The Local Government may, if it thinks fit, except any officer or class of officers from the general rate of increase, and direct that either the ordinary rates, or a lower rate of increase, be granted to such officer or class of officers.

**1140.** In certain localities special rates of daily or mileage allowances or both, have been prescribed either generally or for particular classes of officers. A list of these special rates in the various provinces is given in the Local Manual of the Audit Officer concerned.

**1160.** In the following cases bills for travelling allowance may be paid without countersignature :—

(a) Chaplains—provided the bill is accompanied by the order, authorising the Chaplain to make the journey, of the Bishop or Commissary of the Diocese in the case of a Chaplain of the Church of England.

## CHAPTER V.

# THE SUPERIOR CIVIL SERVICES

(Revision of Pay and Pension) RULES, 1924,  
dated December 9, 1924,

*Made by the Secretary of State for India in Council, under section  
96 B (2) (3) of the Government of India Act*

1. (i) These Rules may be called the Superior Civil Services (Revision of Pay and Pension) Rules, 1924

(ii) They shall be deemed to have come into force with effect from the 1st April, 1924

2. The scales of basic pay and overseas pay shown in Schedule I for officers to whom that Schedule relates shall be substituted for the scales hitherto in force

3. All existing orders relating to the pay and pensions of these Services, in so far as they are not inconsistent with these rules, are hereby confirmed

4. Overseas pay will be drawn in sterling by—

(a) officers who at the date of their appointment to the Services specified in Schedule I had their domicile elsewhere than in Asia,

NOTE 2—For the purposes of this rule domicile shall be determined in accordance with the provisions of Appendix B to Schedule IV to these rules

NOTE 3—In years in which no rate of sterling overseas pay is shown overseas pay will be drawn in rupees

9. When overseas pay is drawn in sterling, payment will be made by the High Commissioner for India in London. Every officer who is entitled to draw his overseas pay in sterling should intimate at once to the Audit Officer who audits his pay for transmission to the High Commissioner for India, the name and address of the banker or agent authorised to receive the payments on his behalf. Any changes should be intimated similarly.

12. In addition to the pay prescribed by these Rules, passage pay shall be granted, at the rates and subject to the conditions set out in Schedule IV, to the members of the services and holders of appointments enumerated in Appendix A to that Schedule

16. The Governor General in Council may from time to time with the sanction of the Secretary of State in Council, by notification in the *Gazette of India* add any post to those included in Schedule I, III or V or in the Appendices to Schedule IV to these Rules, and upon such notification the provisions of the schedule and of the rules relating to it shall be applicable to the holder of the post so added.

## CHAPTER V.

## SCHEDULE I.

## ECCLESIASTICAL DEPARTMENT.

(Monthly rates of pay.)

Year of Service.	Rupee Pay.	Sterling Overseas Pay.
1	2	3
	Rs.	£
1st .. .. .	600	
2nd .. .. .	625	
3rd .. .. .	650	
4th .. .. .	675	
5th .. .. .	550	15
6th .. .. .	575	15
7th .. .. .	550	25
8th .. .. .	575	25
9th .. .. .	600	25
10th .. .. .	600	25
11th .. .. .	650	25
12th .. .. .	700	30
13th .. .. .	750	30
14th .. .. .	800	30
15th .. .. .	850	30
16th .. .. .	900	30
17th .. .. .	950	30
18th .. .. .	1,000	30
19th and over .. .. .	1,050	30

## SCHEDULE IV.

1. These regulations apply to the following officers, namely :—

- (a) any officer who belongs to a Service, or holds substantively a permanent post, specified in Appendix A to this Schedule, and who had at the date of his appointment to such Service or post his domicile elsewhere than in Asia.

Provided that nothing in these regulations shall, except with the express sanction of the Secretary of State in Council, entitle an officer on probation to receive any passage benefit in respect of a voyage commenced prior to the date of his confirmation in the service to which he belongs.

2. For the purposes of these regulations—

- (a) "child" means a legitimate child who, if a female, is unmarried and under the age of 21 or, if a male, is under the age of 12, and includes a step-child residing with and wholly dependent on an officer;
- (b) "officer" means an officer to whom these regulations apply;
- (c) the cost of a passage shall be deemed to be the cost as stated from time to time in the tables of passage rates published by the various steamship companies; and
- (d) the domicile of a person at the date of his appointment shall be determined in accordance with the provisions set out in Appendix B to this Schedule.

3. There shall be payable to every officer with effect from the 1st day of April, 1924, passage pay at the rate of Rs. 50 per mensem or at such different rate as the Governor General in Council may by order declare to be necessary or sufficient for the purpose of the provision of the benefits conferred by these regulations.

4. The full amount of passage pay shall be payable to an officer on leave of whatever nature so long as he is in receipt of leave-salary and, notwithstanding anything contained in the Fundamental Rules, passage pay shall not be taken into account for the purpose of computing the leave-salary of an officer and shall be deemed to be leave-salary additional to the monthly maximum leave-salary to which he is entitled under those rules.

5. A sum equal to the amount received by an officer as passage pay shall be deducted monthly from the officer's pay or leave-salary, as the case may be, and shall be credited to a General Passage Fund to be administered by the Governor General in Council.

6. (1) The maximum benefits to which officers shall be entitled shall be passages of a total value equal to the cost of the number of passages between Bombay and London by P. & O., 1st class B, shown below—

(a) In the case of officers appointed on or after the 1st day April, 1924—

(i) for the officer himself the number of return passages shown in the following scale—

Officer's age at date of appointment	Number of return passages.
Under 31 years	4
31 years or over but under 38 years	3
38 years or over but under 45 years	2
45 years or over	1

(ii) for his wife the same number of return passages to which the officer himself is entitled

Provided that in the case of an officer who has been married after the date of his appointment the scale of benefits for his wife shall be as follows —

Officer's age at date of marriage.	Number of return passages.
Under 31 years	4
31 years or over but under 38 years	3
38 years or over but under 45 years	2
45 years or over	1

and (iii) for each child one single passage; and

(b) in the case of officers appointed before the 1st day of April, 1924—

(i) for the officer himself the number of return passages shown in the following scale —

Officer's age on 1st April, 1924.	Number of return passages.
Under 31 years	4
31 years or over but under 38 years	3
38 years or over but under 45 years	2
45 years or over	1

- (ii) for his wife the same number of return passages to which the officer himself is entitled :—

Provided that in the case of an officer who has been married on or after the 1st day of April, 1924, the scale of benefits for his wife shall be that laid down in the proviso to clause (a) (ii); and

- (iii) for each child one single passage.

7. Notwithstanding anything contained in these regulations, if an officer dies while in service, his wife and children shall be entitled to receive from the General Passage Fund single passages by sea from a port in India to a port outside India, but not exceeding, in each case, the cost of a single passage by sea between Bombay and London by P. and O. steamer, 1st class B.

8. A separate account shall be opened in sterling in the case of each officer, and, if such officer is married, for his wife, and, if he has children, for each child. These accounts shall be credited respectively with the cost of the passages to which the officer, his wife and children are entitled under Regulation 6, and no transfer of any credit shall be made from one account to another. Within the amount of these credits the officer shall be entitled to receive passages by sea between a port in India and a port outside Asia for himself, his wife and his children respectively, provided the cost of no single or return passage by sea shall exceed the cost of a single or return passage, as the case may be, between Bombay and London by Peninsular and Oriental, 1st class B; provided further, should the cost of any passage engaged be less than the cost of a passage by sea between Bombay and London by Peninsular and Oriental, 1st class B, and the individual concerned perform any part of the journey between port and port by land, it shall be permissible to draw from the General Passage Fund, subject to such regulations as may be made by the Governor General in Council, the actual cost of the railway fare, but not exceeding the difference between the cost of the passage engaged and the cost of a passage by sea between Bombay and London by Peninsular and Oriental steamer, 1st Class B.

NOTE.—For the purposes of the second proviso to this Regulation, a journey by land may be deemed to include a passage across the English Channel, and railway fare may be deemed to include the cost of such a passage.

9. The payment for all sea passages shall be made from the General Passage Fund direct to the steamship companies. Payment on account of journeys by land shall be made to the officer making the claim.

10. The accounts mentioned in Regulation 8 shall be debited with the cost of passages actually engaged, subject to the limit prescribed in Regulation 8, and with the sums actually drawn from the General Passage Fund on account of railway journeys.

11. When the cost of a passage by sea between Bombay and London by Peninsular and Oriental steamer, 1st class B, is increased or decreased, the balance at credit of each account referred to in Regulation 8 shall be increased or decreased, as the case may be, in proportion to the increase or decrease in the cost of passages.

12. An officer is entitled to the benefits provided by these regulations in respect of any journey to or from India performed by himself or his wife, or any of his children which commences on or after the 1st April, 1924, and before the date of the officer's retirement, provided that the officer, his wife and any of his children shall be entitled to receive, so far as their respective credits permit, single passages from a port in India to a port outside Asia, but not exceeding the cost of a single passage by sea between Bombay and London by Peninsular and Oriental steamer, 1st class B, for a journey commenced within six months after the officer's retirement; provided, further, that should the cost of any passage engaged be less than the cost of a passage by sea between Bombay and London by Peninsular and Oriental steamer, 1st class B, and the individual concerned perform any part of the journey between port and port by land, it shall

be permissible to draw from the General Passage Fund, subject to such regulations as may be made by the Governor General in Council, the actual cost of the railway fare, but not exceeding the difference between the cost of the passage engaged and the cost of a passage by sea between Bombay and London by Peninsular and Oriental steamer, 1st class B.

NOTE.—For the purposes of the second proviso to this Regulation, a journey by land may be deemed to include a passage across the English Channel, and railway fare may be deemed to include the cost of such a passage.

13. If an officer has himself or on behalf of his wife or children incurred expenditure before a date \* to be appointed by the Governor General in Council, in respect of a benefit to which he or they is or are entitled under these regulations he may draw against the amount at his credit or at that of his wife or child, as the case may be, the amount of such expenditure, subject to the maximum provided in Regulation 8. In the case of a journey performed on a return ticket, the first-half of which was utilised for a journey commenced before 1st April, 1924, the expenditure incurred shall be deemed to be half the cost of such ticket. If the officer has taken an advance from the Government for a passage in respect of which money is drawn under this Regulation, the sum so drawn shall be applied forthwith to repay the outstanding balance of advance.

14. No person whosoever shall have any claim on the General Passage Fund beyond the provision of the benefits, if any, conferred on him by these regulations, and any balance remaining at the credit of any person after such person has ceased to be eligible for any such benefits shall lapse to the Fund.

15. The Governor General in Council may make supplementary regulations to carry out the purposes and objects of these regulations, and may with the sanction of the Secretary of State in Council by order in writing, direct that any of the provisions of Regulations 8, 9, 10, 12, or 13 of this Schedule be relaxed or varied in any particular case to such extent and subject to such conditions (if any) as he may think proper.

#### APPENDIX A TO SCHEDULE IV.

##### *Services Referred to in Rule I.*

#### 2. Central Services :—

##### (14) Indian Ecclesiastical Establishment.

#### APPENDIX B TO SCHEDULE IV.

##### *Provisions for the determination of domicile.*

1. A person can have only one domicile.
2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.
3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.
4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.
5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.  
(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

\* Home Depart. No. F-178-12-ix—24, dated the 29th January, 1925. The Governor General in Council is pleased to fix the 31st March, 1925 as the date after which expenditure incurred by officers in engaging passages will not be repayable by Government.

*Explanation 1.*—A person is not to be considered as having taken up his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling.

*Explanation 2.*—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul, or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin :

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7. After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband.

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above a person cannot during minority acquire a new domicile.

9. An insane person cannot acquire a new domicile in any other way than by his domicile following the domicile of another person.

10. Notwithstanding anything herein contained, a person who—

(a) was born, and has been educated exclusively, in Asia and had not at the date of his appointment resided out of Asia for a total period exceeding six months, or

(b) had before that date claimed or been deemed to be a native of India for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments or other privilege,

shall be deemed to have had his domicile in Asia on that date.

11. If any question arises as to the domicile of any officer at the time of his appointment, the decision thereon of the Secretary of State in Council, in the case of persons appointed by him, of the Governor General in Council in the case of persons appointed by him, or of the local Government in the case of persons appointed by them, shall be final.

#### **SUPPLEMENTARY REGULATIONS\***

##### **Governing the drawal of benefits from the General Passage Fund.**

###### **PART I—PASSAGES BY SEA.**

1. Every application by an officer for a passage by sea shall be made to the audit officer by whom his pay is audited; provided that if the officer is in Europe the application shall be made to the High Commissioner for India. If the application is made to the High Commissioner, the officer must present with his application a certificate from the audit officer stating the amount in the General Passage Fund at the credit of each person for whom a passage is to be taken.

2. The application shall specify the persons for whom it is desired to secure passages. If the audit officer or the High Commissioner, as the case may be, is satisfied that any benefit is admissible under the rules, he will furnish to the applicant a certificate stating the maximum cost of the passage which may be engaged for each such person at the charge of the General Passage Fund.

3. When the officer engages the passage or passages he will present to the steamship company the certificate and on receiving the ticket or

\* *For.*—Depart. Notif. No. F.-35-C.S.R.—25, dated the 6th Feb., 1925.

tickets will give the Company a receipt in the form prescribed showing the accommodation engaged, the persons for whom engaged and the cost. If the cost of any ticket should exceed the amount entered in the certificate, the difference must be paid by the officer himself.

NOTE 1.—Although the benefits admissible from the General Passage Fund are stated in terms of the cost of passages by P. and O., an officer is free to choose the line of steamers by which he will travel, and to book a passage in a class lower than P. and O. 1st Class B. The saving accruing from the exercise of either option will remain at credit in the Personal Passage Account of the person or persons concerned and can be used towards meeting the cost of additional passage or passages engaged in excess of the number of P. and O. 1st Class B passages the value of which is credited in the Personal Passage Account.

NOTE 2.—Nothing in the wording of the supplementary regulations is intended to restrict the employment of agents in booking passages or in other transactions with the steamship companies.

4. If for any reason the officer, after obtaining the certificate but before presenting it to the steamship company, finds that he does not desire to use it, he should return it without delay to the audit officer or the High Commissioner, as the case may be.

5. If the officer, after presenting the certificate to the steamship company, cancels the passages which he has engaged, he should at once inform the audit officer or the High Commissioner, as the case may be, that he has done so; he should also take steps to obtain back the certificate from the steamship company and return it to the audit officer or High Commissioner.

6. If the officer cancels a passage engaged by him, for the cost of which the steamship company has presented a claim for payment, he should, besides communicating with the company, immediately inform the Audit Officer or the High Commissioner, as the case may be, who will apply to the steamship company for a refund. No refund will be made except to the Audit Officer.

## PART II — JOURNEYS BY LAND

1. Every application by an officer for the benefit permissible under Regulation 8\* shall be made to the High Commissioner for India. As an exception to this general rule, if the officer obtains from the steamship company in India a through ticket covering the overland journey he may make his claim to the audit officer in India for the whole journey including the cost of the journey by land.

2. No claim is admissible in respect of a railway journey performed in India or in the country of destination, provided that a person travelling on a through ticket to or from London may make a claim in respect of the journey between London and the Channel port.

3. The amount payable in respect of a journey by land shall in no case exceed the cost of an ordinary first class railway fare by a direct route.

4. The application shall specify the persons for whom the benefit is claimed and shall state the facts of the claim in sufficient detail to enable the High Commissioner to satisfy himself that the prescribed conditions are fulfilled. The officer shall be bound to furnish such further information as the High Commissioner may require for this purpose.

5. In the case of a journey from India the claim should be accompanied by—

- (a) a declaration signed by the officer that the land journey was actually performed by the persons on whose behalf the claim is made; and
- (b) a certificate, which the officer should obtain from his audit officer in India, showing the amount to which he is entitled in respect

\* Vide Reg. 8 of Schedule IV, p. 78. Ed.

of the journey from India and the cost of the passage actually engaged.

NOTE.—If an officer intends to present a claim to the High Commissioner under this regulation he should in his own interests take steps to obtain the certificate referred to in clause (b) before he leaves India.

6. In the case of a journey to India the officer shall submit to the High Commissioner a declaration stating the route by which he or the person on whose behalf he makes the claim, intends to travel.

#### PART III.—GENERAL.

In urgent or special cases the Governor General in Council may sanction such modification of the procedure prescribed in these regulations as he may deem to be necessary.

# CHAPTER VI.

## CIVIL ACCOUNT CODE.

### Volume I.

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#### Chapter 1.—GENERAL PRINCIPLES AND RULES.

**1. Receipt of Money.**—All transactions, to which any officer of Government in his official capacity is a party, must, without any reservation, be brought to account, and all the money received be lodged in full in the Government treasury, to be credited to the appropriate account and made part of the general treasury balance. The appropriation of departmental receipts to departmental expenditure, except when specially authorised, is strictly prohibited.

**2.** Departmental receipts may ordinarily be realised in legal tender coin or currency notes only.

**3.** Officers of Government receiving money on behalf of Government must give the payer a receipt.

**5.** Any person paying money into a Government treasury will present with it a memorandum (chalán), which will show distinctly the nature of the payment and the person or officer on whose account it is made, and will thus contain all the information necessary for the preparation of the receipt to be given in exchange. Receipts for sums less than Rs. 500 do not require the signature of the Treasury Officer, but only of the Accountant and the Treasurer, except receipts for cash and cheques (other than pre-audit cheques issued by the Accountant General) paid for service stamps, which should always be signed by the Treasury Officer.

(1) Printed forms should be supplied by the treasury, which may, with advantage, be bi-lingual. They should be presented in duplicate; one copy will be returned to the tenderer duly signed as a receipt, and the other retained in the treasury for record.

(2) Duplicate chaláns are not required when remittances are made to a treasury for obtaining Remittance Transfer Receipts and Sub-Treasury Cash Orders; or when such remittances are accompanied by Remittance and pass Books in which the Treasury Officer is required to acknowledge receipt of the remittance.

(3) In places where the treasury banks with a branch of the Imperial Bank of India the memorandum must, except when otherwise provided, be presented to the Treasury Officer, who will endorse it with an order to the bank to receive the money and to grant a receipt.

**6.** At places where treasury business is conducted by a branch of the Imperial Bank of India cheques on banks which the Imperial Bank of India will accept will be accepted in payment of Government dues, or in settlement of other transactions. Such cheques must be crossed in all cases. Until, however, a cheque has been cleared the Government cannot admit that payment has been received and consequently final receipts will not be granted when a cheque is tendered. A receipt for the actual cheque only will be given in the first instance, but if the person making payment in this manner so desires, a formal payment receipt will be sent by post to his address after the cheque has been cleared.

**8. Payment of Money at a Treasury.**—(a) A Treasury Officer has no general authority to deal with demands presented at the treasury, his authority to make payments being strictly limited to the rules in the

Account Code. If a demand of any kind is presented at a treasury which is not provided for by the rules in the Code, or is not covered by a special order received from the Account Office, the duty of the Treasury Officer is to decline payment for want of authority. A Treasury Officer has no authority to act under an order of Government sanctioning a payment, unless it is an express order to *him* to make the payment; and even such special orders should, in the absence of urgency, be sent through the Accountant General.

(b) No claim against Government not preferred within six months of its becoming due can be paid without the sanction of the Accountant General; but this rule does not apply to payment of claims on account of pensions, which are governed by special rules in the Civil Service Regulations.

(c) Claims of officers, whether gazetted or not, to arrears of pay or allowances or to increments which have been allowed to remain in abeyance for a period exceeding one year, cannot be investigated by an Accountant General except under the special orders of the local Government.

NOTE 1.—This power is also exercised by the several Departments of the Government of India in respect of any Department directly administered by them.

(d) No payments may be made on account of increases to pay until the additional expenditure thereby caused has been provided for in the budget estimates and duly sanctioned.

NOTE.—Periodical increments of pay are not provided for in the budget estimates, and are not increase to pay within the meaning of the above clause.

9. Any person having a claim against Government will present his voucher duly receipted and stamped, at the treasury. Except as provided in Article 57\*, or as may be arranged locally in special cases, no bills may be paid at a sub-treasury without being first submitted to, and payment directed by, the Treasury Officer.

(1) At places where Government treasury business is conducted by the Imperial Bank of India all payments, with certain exceptions, are made at the bank. Supply bills, Remittance Transfer Receipts and cheques are presented direct at the bank, but other vouchers or bills should first be presented at the treasury, except at Presidency towns and Provincial Capitals, where such vouchers are for the most part submitted to the local Account Office for pre-audit and are paid (except in the case of small amounts in some provinces) by cheques upon the bank issued by the Accountant General in favour of the payee.

10A. In respect of the transactions of the Central Government pies should be omitted from all bills for pay and allowances, pensions and travelling allowance. All individual items in such bills should be calculated to the nearest anna (fractions below half an anna being omitted, and half an anna or over being reckoned as one anna), except as specified below:—

(a) In the case of emoluments fixed by statute, the payment may be to the next higher anna.

(c) As regards recoveries of amounts under objection or of advances the instalments need not be exactly equal and the recoveries should be so fixed as to be always in annas, the last instalment being adjusted as necessary, e.g., a motor car advance of Rs. 5,000 to be repaid in 36 instalments, should be recovered as follows:—35 instalments of Rs. 138-14-0 and a last instalment of the balance Rs. 139-6-0.

If the local Government so desires these orders will govern the same classes of provincial transactions also.

11. (1) Receipts for all sums exceeding Rs. 20 must be stamped; but the following are exempt:—

(a) Receipts given by, or on behalf of, Government.

\* Art. 57 refers to P.W.D. officers only. ED.

- (b) Receipts on cheques sufficiently stamped or exempt from stamp duty.
- (c) Receipts for interest on Government securities.
- (d) Receipts for withdrawals from Government Savings Banks.
- (e) Receipts on Postal Money Orders.
- (f) Receipts given by a Railway or an Inland Steamer Company for payments made to it on account of freight and fares and for incidental charges such as loading, unloading, delivery, craning, haulage, wharfage, demurrage, etc.

**33. Accounts with Banks.**—The following are the rules for Government officers who require to keep a banking account.

1.—No officer of Government may have an account in his public capacity with any bank without the previous sanction of the Civil Accountant General, in other cases.

IV.—Other cases will be decided upon their merits, the principle to be observed being that no transaction of receipt or payment in which Government is concerned should occur otherwise than as a receipt or payment at a Government treasury, except upon some definite ground of convenience to the public service. The personal convenience of the officer charged with the duty of making receipts or payments is not a ground for permitting an account to be opened with a bank.

### Chapter 3.—SALARIES AND ALLOWANCES: GENERAL RULES.

**38. Due Date.**—Salary and establishment bills may be signed at any time on the last working day of the month by the labour of which the salary is earned, and are due for payment the next working day. But salary and establishment bills payable at Provincial Headquarters, which require to be preaudited, and those payable at District Treasuries may be signed and presented for payment three and two days respectively before the last working day of the month to which they relate. Payment of such bills, however, should not be made before the first working day of the next month. In the following cases separate bills must be presented in India for salary due for part of a month, and these bills may be paid before the end of the month, viz. :—

- (a) When an officer proceeds out of India on deputation or on leave other than privilege leave taken by itself.

NOTE.—If the officer is proceeding on combined leave with a last pay certificate entitling him to draw his privilege leave allowances from the Home Treasury he must draw in India salary and allowances due to the date of making over charge; in other cases he will draw in India those due to the date of embarkation.

- (b) When an officer is transferred to another Audit Circle,
- (c) When an officer finally quits the service of Government or is transferred to Foreign Service.

**39. Death of Payee.**—(a) Salary, allowances or pension can be drawn for the day of a man's death; the hour at which death takes place has no effect on the claim.

(b) Salary and other allowances claimed on behalf of a deceased officer may be paid without the production of the usual legal authority (1) to the extent of Rs. 500 under orders of the Collector or other officer responsible for the payment after such enquiry into the rights and title of the claimants as may be deemed sufficient; (2) for the excess over Rs. 500 under the orders of the local Government on execution of an indemnity bond, with such sureties as it may require, if it is satisfied of the right and title of the claimant and considers that undue delay and hardship would be caused by insisting on the production of letters of administration.

In any case of doubt payment should be made only to the person producing legal authority.

**40.** The death of every European officer of Government other than an officer of the Army or Navy, must be immediately reported by the head of his office to the Government under which he was serving, which will announce the circumstance to the Secretary of State.

**41. Last-pay Certificate.**—A Treasury Officer must be careful not to pay salary to an officer to whom he has granted a last-pay certificate, unless the certificate is first surrendered.

**42. Bond of indemnity for drawing Leave Allowances, etc.**—(a) Officers often make arrangements with their agents to draw their leave or vacation allowances, pensions, etc., either granting them powers-of-attorney to enable them to do so, or leaving their bills ready signed in the agent's custody for presentation, the agents in their turn giving Government a bond of indemnity as security against any loss in case of over-payment.

(b) The bond of indemnity, which must be stamped, may be of the following form in the case of a <sup>firm</sup> bank :

In consideration of <sup>our</sup> ~~their~~ being permitted to draw the salary of. . . . during his absence from the Presidency, <sup>we</sup> ~~the (here insert the name of bank)~~ do hereby engage to refund to Government, on demand, any overpayment that may be made to <sup>us</sup> ~~them~~ as his <sup>agent</sup> ~~agents~~.

(c) It must of course be seen that the person signing the bond of indemnity has authority to bind the firm or bank.

(d) It is not necessary, however, for a separate bond to be entered into in the case of each individual officer. Agents of standing and respectability may, for this purpose, be allowed to enter into a general agreement in the form given in Appendix 1.\*

(e) Agents of standing and respectability are also allowed to execute a single bond to cover the leave allowances, pensions, etc., of their constituents, payable not by any one Account Officer only, but by all Account Officers, whether Civil or Military. Arrangements for the execution of such a bond must be made through the Comptroller General. A list of the Agents who have executed such bonds of indemnity is given below :—

- (1) The local head offices of the Imp. Bank of India, Calcutta and Madras.
- (2) The National Bank of India, Limited.
- (3) The Hongkong and Shanghai Banking Corporation, Bankers and Army Agents.
- (4) The Allahabad Bank, Limited.
- (5) The Bank of India, Limited.
- (6) The Army and Navy Co-operative Society, Limited.
- (7) Messrs. Binny & Co., Limited, Bankers and Army Agents.
- (8) Messrs. Cox & Co., Bankers and Army Agents.
- (9) Messrs. Thomas Cook and Son.
- (10) Messrs. King, King & Co., Bombay, Delhi and Simla, King, Hamilton & Co., Calcutta.
- (11) Messrs. Grindlay & Co.
- (12) Messrs. Parry & Co.
- (13) Messrs. Cowasjee, Dinshaw and Brothers.

**43. Fund Deductions.**—The duty of noting the proper deductions to be made from pay bills on account of funds devolves on the drawers of the bills, but no discretion is allowed in carrying out an order received from the Accountant General or a Fund Examiner to make any particular deduction.

**NOTE.**—The Treasury Officer must, however, check the deductions in the case of the Annuity Fund and the Indian Civil and Indian Military Service Family Pension Regulations.

#### Chapter 4.—GAZETTED OFFICER'S BILLS.

**47. Form of Salary Bill.**—For the fixed allowances of a gazetted officer the adoption of bills in a form similar to Form 1\* is recommended, in which the whole of the fixed allowances claimable by an officer in respect

\* Not quoted. Ed.

of the same appointment are set forth. An officer who draws an additional allowance for a separate office need not present a separate bill for it unless it is chargeable to a Local Fund or to sources other than general revenues.

**49. Salaries** may be paid only upon the personal claim of the officer concerned, and to his personal receipt, and not otherwise, except under the special authority in each case of the Government of India or the Comptroller General. At the written request or order of the officer, the salary bill may be made payable to some well-known banker or agent.

**50.** An officer drawing pay for the first time from any treasury should present, with his salary bill, a last-pay certificate in accordance with the rules contained in Appendix 3 to the Civil Service Regulations, unless he is a newly-appointed officer drawing his pay for the first time, when a health certificate and an order from the Accountant General should be attached to the bill; but if the appointment is temporary, the certificate need not be furnished until he is confirmed.

*Exceptions.*—A health certificate is not required in the case of.—

(i) an officer appointed by the Secretary of State.

**52. Transfer of Office.**—Every transfer of charge of a gazetted officer should be reported by post of the same day to the Accountant General.

**53. Pay to Officers in England.**—If pay be due in India to an officer absent in England, he must make his own arrangements to receive it in India.

**54. Travelling Allowance Bill.**—The form of bill for travelling allowance of a gazetted officer depends upon the rules under which it is due. For the case of mileage, halting allowance, or daily rate, Form 2\* is recommended as setting forth in a convenient form the necessary details of information.

**55. Rewards for Proficiency in Oriental Languages.**—(a) Bills for rewards under civil rules to civil officers, including chaplains, should be pre-audited by the Accountant General, who will be guided either by the scales laid down by the Government of India for those rewards which apply generally, or by such special rules as may obtain in the several provinces.

**56. Place of Payment.**—Salary bills are ordinarily payable only at the treasury of the District in which the claim arises but gazetted officers may, at their option if there is no branch of the Imperial Bank at their headquarters, draw their salary partly at the headquarters of the district in which they may be serving and partly at the Capital of the Presidency or Province, subject to the following conditions—

- (1) The concession shall be admissible only to gazetted officers whose pay is subject to personal audit and is not less than Rs. 500 a month.
- (2) Not less than Rs. 100 in any one month shall be drawn outside the district headquarters treasury and all sums drawn in the Provincial Capital must be in multiples of Rs. 100.
- (3) The amount required to be drawn at the Provincial Capital shall except where Supply Bills are used not be altered at intervals of less than three months.

**NOTE 1.**—Officers serving in Assam are allowed to continue to draw at their option a part of their salary at Calcutta.

**NOTE 2.**—The following concessions (if not allowable under the above rule) to all individual officers who already enjoy them are allowed to continue—

- (a) Officers serving in Bihar and Orissa, Assam, the North-West Frontier Province, Baluchistan, Ajmer-Merwara, Coorg and Central India, are allowed to draw a part of their salary at the places specified below and not at the Provincial capitals:—

Bihar and Orissa	..	..	Calcutta.
Assam	..	..	Calcutta
Baluchistan	..	..	Bombay.
Ajmer-Merwara	..	..	Calcutta.
Coorg	..	..	Madras.
North-West Frontier Province	..	..	Lahore.
Central India	..	..	Bombay.

In the case of officers serving in Bihar and Orissa and Assam, in Baluchistan and Central India and in Coorg, the amount to be paid at Calcutta, at Bombay, and at Madras respectively shall be drawn by means of supply bills. For this purpose supply bills may be issued at par.

- (b) Officers serving in the United Provinces are allowed to draw a part of their salary either at Cawnpore or at the Provincial Capital, but not at both stations.
- (c) Officers serving in the Hyderabad State may, at their option draw their salary partly at the Hyderabad Residency Treasury and partly at Bombay, subject to the following conditions:—
- (1) The concession shall be admissible only to gazetted officers whose pay is subject to individual audit and is not less than Rs. 500 per mensem.
- (2) Not less than Rs. 100 in any one month shall be drawn outside the district head-quarters Treasury and all sums drawn in Bombay must be in multiples of Rs 100.
- (3) The amount required to be paid at Bombay shall not be altered at intervals of less than three months and shall be drawn by means of supply bills issued at par.
- (d) Officers serving in the Central Provinces are allowed to draw their salaries partly at their District Headquarters and partly at either (1) Nagpur or (2) Bombay or (3) Calcutta. The amounts required to be paid at Calcutta or Bombay should be drawn by means of supply bills issued at par.

**58. Inspecting Officers.**—An officer whose duty requires him to travel about on inspection should ordinarily take with him a last-pay certificate, which will enable him to draw from the nearest treasury within his circle of jurisdiction such portion of his pay as may be entered in it at his request, the balance, if any, being drawn at his headquarters. Should he pass from one Accountant General's jurisdiction to another's, the last-pay certificate should be countersigned by both. In such a case, of course, no advance is made, and no recovery or adjustment becomes necessary. Similarly, he may draw his travelling allowance on the prescribed bill form with necessary certificates, countersigned by the controlling authority if any, but he cannot take advances on account of travelling allowances.

**59.** As an exception to the above rule, such advances as may be required on account of pay may be drawn by the officers named below, the pay bill being presented at the headquarters treasury:—

I. *From any treasury in India:—*

(a) The Metropolitan Bishop of Calcutta

II. *From any treasury within their diocese:—*

(a) Bishops other than the Metropolitan Bishop of Calcutta.

(b) Archdeacon.

Receipt should be taken in duplicate, the original being forwarded immediately to the Accountant General who usually audits the officer's allowances, and the duplicate retained to support the debit in the list of payments.

### Chapter 5.—ESTABLISHMENT.

**60. Sections of Establishment.**—For the purposes of this chapter, parts of an establishment under the same officer, which are charged under different major heads, are to be regarded as distinct establishments—e.g.,

a District Officer's Excise establishment is to be treated as distinct and separate from his Land Revenue establishment.\*

**82. (1) Annual Returns.**—Early in April in each year, a detailed statement of the permanent establishment existing on first April, will be prepared in Form 3† and transmitted to the Accountant General direct as soon as possible, and, in any case, not later than the 15th May

**72. Arrear Bills.**—Arrear pay should be drawn, not in the ordinary monthly bill, but in a separate bill, the amount claimed for each month being entered separately, with quotation of the bill from which the charge was omitted or withheld, or on which it was refunded by deduction, or of any special order of competent authority granting a new allowance such bills can be presented at any time, subject to the conditions laid down in Article 8, and may include as many items as are necessary

### Chapter 9.—MISCELLANEOUS ADVANCES.

**156. Advances for Purchase of Conveyances.**—A local Government is authorised to sanction an advance to an officer for the purchase of a motor car or a motor boat subject to the following conditions.—

- (1) An advance will be given only when the local Government considers that it is in the interest of the public service that the officer should use a car or a boat in the discharge of his duties
- (2) The total amount to be advanced to an officer shall not exceed Rs 7,500, or four months' pay, or the anticipated price of the car or boat, whichever is less. Local Governments may, however, base the amount, at their discretion, on salary, instead of pay proper, when an officer is acting in an appointment or in a grade from which he is not, in their opinion, likely to revert for any length of time during the period of repayment. If the actual price paid is less than the advance taken the balance should be forthwith refunded to Government
- (3) An officer on leave in England for whom an advance has been approved by the local Government concerned, will be allowed to take it from the Secretary of State six weeks before his departure for India
- (4) Recovery will be made by deducting monthly instalments equal to one thirty-sixth part of the advance from the salary bill of the officer concerned ‡
- (5) Except when an officer proceeds on long leave, or retires from the service, or is transferred to an appointment the duties of which do not render the possession of a motor car or a motor boat necessary, the previous sanction of the local Government is necessary to the sale by him of a car or a boat purchased with the aid of an advance which has not been fully repaid. If an officer wishes to transfer such a car or boat to another officer

\* Church Establishment is distinct and separate from Cemetery Establishment. Ed

† Not quoted. Ed

‡ Government of India, Finance Department, Resolution No. 1700—Ex, dated the 31st May 1924

3. The Government of India have decided that advances of the kinds described in paragraph 1 of this Resolution which may be granted on or after the 1st July 1924 will be repayable with interest at the rate of 5 per cent per annum (Paragraph 1 of this Resolution refers to advances under articles 155 and 156 8 of the Civil Account Code, Volume I En.)

Government of India, Finance Department, Letter No. 2952 A, dated the 29th July 1924

3 Simple interest will be charged on the advance and will be calculated on balances outstanding on the last day of each month. The amount of interest thus calculated will be recovered in one or more instalments after the whole of the principle has been repaid. Each instalment of interest should not be appreciably greater than the instalments by which the principal was recovered

who performs duties of a kind that render the possession of a motor car or a motor boat necessary, the local Government may permit the transfer of the liability attaching to the car or the boat to the latter officer, provided that he records a declaration that he is aware that the car or the boat transferred to him remains subject to the mortgage bond and that he is bound by its terms and provisions.

- (b) In all cases in which a car or boat is sold before the advance received for its purchase from Government has been fully repaid, the sale proceeds must be applied, so far as may be necessary, towards the repayment of such outstanding balance. Provided that when the car or boat is sold only in order that another car or boat may be purchased the local Government may permit an officer to apply the sale proceeds towards such purchase, subject to the following conditions :—
- (a) the advance outstanding shall not be permitted to exceed the cost of the new car or boat;
  - (b) the advance outstanding shall continue to be repaid at the rate previously fixed;
  - (c) the new car or boat must be insured and mortgaged to Government as required by these rules.

**NOTE 2.**—Officers drawing the advance will be required to execute a mortgage bond in Form 24 or a personal security bond in the form prescribed by the Secretary of State for India in Council, according as the advance is drawn in India or in England. The cost price of the car or boat purchased should be entered in the schedule of specification attached to the mortgage bond.

**NOTE 3.**—The form of the mortgage bond executed by officers drawing advances in India for the purchase of motor cars, or motor boats, provides for insurance at the time of purchase; officers drawing similar advances in England are required to effect insurance on their arrival in India. In the case of officers in India purchase should be made within six months from the date of the order sanctioning the advance, and insurance within one month of the date of purchase, while in the case of officers drawing advances in England insurance should be effected within one month of the date on which the officer arrives in India, unless an insurance policy is already in existence. Contravention of these orders will render the officer liable to refund the whole of the amount advanced unless good reason is shown to the contrary. The amount for which the car or boat is insured during any period must not be less than the outstanding balance of the advance at the beginning of that period and the insurance must be renewed from time to time until the advance has been completely repaid.

The Audit Officers may accept such evidence as may be adequate to show that motor cars or motor boats have been sufficiently insured within the specified period and that the insurance is regularly renewed at the proper time, and should bring to the notice of the Government any cases in which such evidence is not forthcoming.

**157.** A local Government is authorised to sanction an advance to an officer for the purchase of a motor cycle subject to the following conditions :—

- (1) That the advance is given only when the local Government considers that it is in the interest of the public service that the officer should use a motor cycle in the discharge of his duties.
- (2) That the pay of the officer does not exceed Rs. 1,000 a month.
- (3) That the amount of the advance does not exceed Rs. 2000 or the anticipated price of the cycle whichever is less. If the actual price paid is less than the advance taken, the balance should be forthwith refunded to Government.
- (4) That the recovery is made by deducting monthly instalments equal to one-thirty-sixth part of the advance from the salary bill of the officer concerned.\*

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\* Vide Footnote on p. 89. **ED.**

- (5) That, except when an officer proceeds on long leave, or retires from the service, or is transferred to an appointment the duties of which do not render the possession of a motor cycle necessary, the previous sanction of the local Government is necessary to the sale by him of a cycle purchased with the aid of an advance which has not been fully repaid. If an officer wishes to transfer such a cycle to another officer who performs duties of a kind that render the possession of a motor cycle necessary, the local Government may permit the transfer of the liability attaching to the cycle to the latter officer, provided that he records a declaration that he is aware that the cycle transferred to him remains subject to the mortgage bond and that he is bound by its terms and provisions.
- (6) That in all cases in which a cycle is sold before the advance received for its purchase from Government has been fully repaid, the sale proceeds must be applied, so far as may be necessary, towards the repayment of such outstanding balance. Provided that when the cycle is sold only in order that another cycle may be purchased the local Government may permit an officer to apply the sale proceeds towards such purchase, subject to the following conditions :-
- (a) the advance outstanding shall not be permitted to exceed the cost of the new cycle;
  - (b) the advance outstanding shall continue to be repaid at the rate previously fixed;
  - (c) the new cycle must be insured and mortgaged to Government as required by these rules.

NOTE.—Notes 1 to 6 under Article 156 apply to this article also.

**156. Other Advances.**—Advances may also be made under the rules specified below :

- (a) To an officer under orders of transfer, up to an amount not exceeding one month's pay \* plus the travelling allowance to which he may be entitled under the rules in consequence of the transfer. Such advances may be sanctioned by any officer who should not ordinarily be of lower rank than the Principal District Officer in the department concerned. The advances should be recorded on the officer's last-pay certificate. The advance of pay should be recovered from the salary of the officer in three equal monthly instalments beginning with the month in which a full month's pay is drawn after the transfer. The advance of travelling allowance should be recovered in full on submission of the officer's travelling allowance bill.
- (b) To any public officer in the Civil Department, returning from long leave or special duty out of India, or to one appointed in England proceeding to India to join his appointment, under the rules in Articles 64 to 66 of the Civil Service Regulations.
- (c) To an officer, for himself or an Assistant or Deputy, proceeding on tour, to an amount sufficient to cover his tour charges for a month, subject to adjustment upon his return to headquarters or 31st March, whichever is earlier.
- (d) Under the rules issued for the guidance of patients proceeding to a Pasteur Institute for anti-rabic treatment.

NOTE.—The rules issued by the Government of India in respect of the Pasteur Institute at Kasauli are given in Appendix 8. Similar rules framed by local Governments in respect of the Institutes at Coonoor, Shillong and Rangoon will be found in the Manuals of the local audit officers concerned.

\* Vide Schedule I of the Superior Civil Services (Revision of Pay and Pensions) Rules 1924, p. 76: rupee pay only may be thus drawn in advance. **Ed.**

# CHAPTER VII.

## ACTS OF THE INDIAN LEGISLATURE.

### THE INDIAN DIVORCE ACT,

Act IV of 1869.

**An Act to amend the law relating to Divorce and Matrimonial Causes in India.**

58. No clergyman in Holy Orders of the Church of England shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any suit, penalty or censure for solemnizing or refusing to solemnize the marriage of any such person.

59. When any Minister of any Church or Chapel of the said Church refuses to perform such marriage-service between any persons who but for such refusal would be entitled to have the same service performed in such Church or Chapel, such Minister shall permit any other Minister in Holy Orders of the said Church, entitled to officiate within the diocese in which such Church or Chapel is situate, to perform such marriage-service in such Church or Chapel.

### THE INDIAN CHRISTIAN MARRIAGE ACT,\*

Act XV of 1872.

**An Act to consolidate and amend the law relating to the solemnization in India of the marriages of Christians.**

*[As modified up to the 11th September 1911.]*

Whereas it is expedient to consolidate and amend the law relating to the solemnization in India of the marriages of persons professing the Christian religion; It is hereby enacted as follows:—

#### PRELIMINARY.

1. This Act may be called the Indian Christian Marriage Act, 1872.

It extends to the whole of British India, and, so far only as regards Christian subjects of Her Majesty, to the territories of Native Princes and States in alliance with Her Majesty.

2. The enactments specified in the fifth schedule † hereto annexed are repealed, but not so as to invalidate any marriage confirmed by, or solemnized under, any such enactment.

And all appointments made, licenses granted, consents given, certificates issued, and other things duly done under any such enactment shall be deemed to be respectively made, granted, given, issued and done under this Act.

For clause XXIV of section 19 of the Court-fees Act, 1870, the following shall be substituted:—

\* Printed in toto. ED.

† Not Printed. ED.

"XXIV, Petitions under the Indian Christian Marriage Act, 1872, sections 45 and 48."

3. In this Act, unless there is something repugnant in the subject or context,—

"Church of England" and "Anglican" mean and apply to the Church of England as by law established;

"Church of Scotland" means the Church of Scotland as by law established;

"Church of Rome" and "Roman Catholic" mean and apply to the Church which regards the Pope of Rome as its spiritual head;

"Church" includes any chapel or other building generally used for public Christian worship;

"minor" means a person who has not completed the age of twenty-one years and who is not a widower or a widow;

"Native State" means the territories of any Native Prince or State in alliance with Her Majesty;

the expression "Christians" means persons professing the Christian religion;

and the expression "Native Christians" includes the Christian descendants of Natives of India converted to Christianity, as well as such converts.

"Registrar General of Births, Deaths and Marriages" means a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886.

## PART I.

### THE PERSONS BY WHOM MARRIAGES MAY BE SOLEMNIZED.

4. Every marriage between persons, one or both of whom is or are a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and any such marriage solemnized otherwise than in accordance with such provisions shall be void.

5. Marriages may be solemnized in India—

- (1) by any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of which he is a Minister;
- (2) by any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of Scotland;
- (3) by any Minister of religion licensed under this Act to solemnize marriages;
- (4) by, or in the presence of, a Marriage Registrar appointed under this Act;
- (5) by any person licensed under this Act to grant certificates of marriage between Native Christians.

6. The Local Government, so far as regards the territories under its administration, and the Governor General in Council, so far as regards any Native State, may, by notification in the local official Gazette or in the Gazette of India, as the case may be, grant licenses to Ministers of Religion to solemnize marriages within such territories and State, respectively, and may, by a like notification, revoke such licenses.

7. The Local Government may appoint one or more Christians, either by name or as holding any office for the time being, to be the Marriage Registrar or Marriage Registrars for any district subject to its administration.

Where there are more Marriage Registrars than one in any district, the Local Government shall appoint one of them to be the Senior Marriage Registrar.

When there is only one Marriage Registrar in a district, and such Registrar is absent from such district, or ill, or when his office is temporarily

vacant, the Magistrate of the district shall act as, and, be, Marriage Registrar thereof during such absence, illness or temporary vacancy.

8. The Governor General in Council may, by notification in the Gazette of India, appoint any Christian, either by name or as holding any office for the time being, to be a Marriage Registrar in respect of any district or place within the territories of any Native Prince or State in alliance with Her Majesty.

The Governor General in Council may, by like notification, revoke any such appointment.

9. The Local Government or (so far as regards any Native State) the Governor General in Council may grant a license to any Christian, either by name or as holding any office for the time being, authorizing him to grant certificates of marriage between Native Christians.

Any such license may be revoked by the authority by which it was granted, and every such grant or revocation shall be notified in the official Gazette.

### PART II.

#### TIME AND PLACE AT WHICH MARRIAGES MAY BE SOLEMNIZED

10. Every marriage under this Act shall be solemnized between the hours of six in the morning and seven in the evening.

Provided that nothing in this section shall apply to—

- (1) a Clergyman of the Church of England solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, under the hand and seal of the Anglican Bishop of the Diocese or his Commissary, or
- (2) a Clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he has received a general or special license in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is so solemnized, or from such person as the same Bishop has authorized to grant such license, or
- (3) a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies and customs of the Church of Scotland.

11. No Clergyman of the Church of England shall solemnize a marriage in any place other than a church where worship is generally held according to the forms of the Church of England.

unless there is no such church within five miles distance by the shortest road from such place, or

unless he has received a special license authorizing him to do so under the hand and seal of the Anglican Bishop of the Diocese or his Commissary.

For such special license, the Registrar of the Diocese may charge such additional fee as the said Bishop from time to time authorizes.

### PART III.

#### MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION LICENSED UNDER THIS ACT.

12. Whenever a marriage is intended to be solemnized by a Minister of Religion licensed to solemnize marriages under this Act—

one of the persons intending marriage shall give notice in writing, according to the form contained in the first schedule \* hereto annexed, or to the like effect, to the Minister of Religion whom he or she desires to solemnize the marriage, and shall state therein—

- (a) the name and surname, and the profession or condition, of each of the persons intending marriage,

- (b) the dwelling-place of each of them,
- (c) the time during which each has dwelt there, and
- (d) the church or private dwelling in which the marriage is to be solemnized :

Provided that, if either of such persons has dwelt in the place mentioned in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards

13. If the persons intending marriage desire it to be solemnized in a particular church, and if the Minister of Religion to whom such notice has been delivered be entitled to officiate therein, he shall cause the notice to be affixed in some conspicuous part of such church

But if he is not entitled to officiate as a Minister in such church, he shall, at his option, either return the notice to the person who delivered it to him, or deliver it to some other Minister entitled to officiate therein, who shall thereupon cause the notice to be affixed as aforesaid.

14. If it be intended that the marriage shall be solemnized in a private dwelling, the Minister of Religion, on receiving the notice prescribed in section 12, shall forward it to the Marriage Registrar of the district who shall affix the same to some conspicuous place in his own office

15. When one of the persons intending marriage is a minor, every Minister receiving such notice shall, unless within twenty four hours after its receipt he returns the same under the provisions of section 13, send by the post or otherwise a copy of such notice to the Marriage Registrar of the district, or, if there be more than one Registrar of such district, to the Senior Marriage Registrar

16. The Marriage Registrar or Senior Marriage Registrar, as the case may be, on receiving any such notice, shall affix it to some conspicuous place in his own office, and the latter shall further cause a copy of the said notice to be sent to each of the other Marriage Registrars in the same district, who shall likewise publish the same in the manner above directed

17. Any Minister of Religion consenting or intending to solemnize any such marriage as aforesaid, shall, on being required so to do by or on behalf of the person by whom the notice was given, and upon one of the persons intending marriage making the declaration hereinafter required, issue under his hand a certificate of such notice having been given and of such declaration having been made

Provided—

- (1) that no such certificate shall be issued until the expiration of four days after the date of the receipt of the notice by such Minister,
- (2) that no lawful impediment be shown to his satisfaction why such certificate should not issue, and
- (3) that the issue of such certificate has not been forbidden, in manner hereinafter mentioned, by any person authorized in that behalf

18. The certificate mentioned in section 17 shall not be issued until one of the persons intending marriage has appeared personally before the Minister and made a solemn declaration —

- (a) that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage,
- and, when either or both of the parties is or are a minor or minors,
- (b) that the consent or consents required by law has or have been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be

19. The father, if living, of any minor, or, if the father be dead, the guardian of the person of such minor, and, in case there be no such guardian, then the mother of such minor, may give consent to the minor's marriage,

and such consent is hereby required for the same marriage, unless no person authorized to give such consent be resident in India.

20. Every person whose consent to a marriage is required under section 19 is hereby authorised to prohibit the issue of the certificate by any Minister, at any time before the issue of the same, by notice in writing to such Minister, subscribed by the person so authorized with his or her name and place of abode and position with respect to either of the persons intending marriage, by reason of which he or she is so authorized as aforesaid.

21. If any such notice be received by such Minister, he shall not issue his certificate and shall not solemnize the said marriage until he has examined into the matter of the said prohibition, and is satisfied that the person prohibiting the marriage has no lawful authority for such prohibition,

or until the said notice is withdrawn by the person who gave it.

22. When either of the persons intending marriage is a minor, and the minister is not satisfied that the consent of the person whose consent to such marriage is required by section 19 has been obtained, such minister shall not issue such certificate until the expiration of fourteen days after the receipt by him of the notice of marriage.

23. When any Native Christian about to be married takes a notice of marriage to a Minister of Religion, or applies for a certificate from such Minister under section 17, such Minister shall, before issuing the certificate, ascertain whether such Native Christian is cognizant of the purport and effect of the said notice or certificate, as the case may be, and, if not, shall translate or cause to be translated the notice or certificate to such Native Christian into some language which he understands.

24. The certificate to be issued by such Minister shall be in the form contained in the second schedule \* hereto annexed, or to the like effect.

25. After the issue of the certificate by the Minister, marriage may be solemnized between the persons therein described according to such form or ceremony as the Minister thinks fit to adopt:

\* Provided that the marriage be solemnized in the presence of at least two witnesses besides the Minister.

26. Whenever a marriage is not solemnized within two months after the date of the certificate issued by such Minister as aforesaid, such certificate and all proceedings (if any) thereon shall be void,

and no person shall proceed to solemnize the said marriage until new notice has been given and a certificate thereof issued in manner aforesaid

#### PART IV.

##### REGISTRATION OF MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION.

27. All marriages hereafter solemnized in India between persons one or both of whom professes or profess the Christian religion, except marriages solemnized under Part V or Part VI of this Act, shall be registered in manner hereinafter prescribed.

28. Every Clergyman of the Church of England shall keep a register of marriages and shall register therein, according to the tabular form set forth in the third schedule \* hereto annexed, every marriage which he solemnizes under this Act.

29. Every Clergyman of the Church of England shall send four times in every year returns in duplicate, authenticated by his signature, of the entries in the register of marriages solemnized at any place where he has any spiritual charge, to the Registrar of the Archdeaconry to which he is subject, or within the limits of which such place is situate.

Such quarterly returns shall contain all the entries of marriages contained in the said register from the first day of January to the thirty-first

\* Not printed. Ed.

day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December, of each year respectively, and shall be sent by such Clergyman within two weeks from the expiration of each of the quarters above specified.

The said Registrar upon receiving the said returns shall send one copy thereof to the Registrar General of Births, Deaths and Marriages.

**30.** Every marriage solemnized by a Clergyman of the Church of Rome shall be registered by the person and according to the form directed in that behalf by the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is solemnized,

and such person shall forward quarterly to the Registrar General of Births, Deaths and Marriages returns of the entries of all marriages registered by him during the three months next preceding.

**31.** Every Clergyman of the Church of Scotland shall keep a register of marriages,

and shall register therein, according to the tabular form set forth in the third schedule \* hereto annexed, every marriage which he solemnizes under this Act,

and shall forward quarterly to the Registrar General of Births, Deaths and Marriages, through the Senior Chaplain of the Church of Scotland, returns, similar to those prescribed in section 29, of all such marriages

**32.** Every marriage solemnized by any person who has received episcopal ordination, but who is not a Clergyman of the Church of England, or of the Church of Rome, or by any Minister of Religion licensed under this Act to solemnize marriages, shall, immediately after the solemnization thereof, be registered in duplicate by the person solemnizing the same; (that is to say) in a marriage-register-book to be kept by him for that purpose, according to the form contained in the fourth schedule\* hereto annexed, and also in a certificate attached to the marriage-register-book as a counterfoil

**33.** The entry of such marriage in both the certificate and marriage-register-book shall be signed by the person solemnizing the marriage, and also by the persons married, and shall be attested by two credible witnesses, other than the person solemnizing the marriage, present at its solemnization

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage-register-book

**34.** The person solemnizing the marriage shall forthwith separate the certificate from the marriage-register-book and send it, within one month from the time of the solemnization, to the Marriage Registrar of the district in which the marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar,

who shall cause such certificate to be copied into a book to be kept by him for that purpose,

and shall send all the certificates which he has received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Registrar General of Births, Deaths, and Marriages.

**35.** Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar, indicating the number of the entry of the said copy in the said book, according to the order in which he receives each certificate.

**36.** The Marriage Registrar shall also add each last-mentioned number of the entry of the copy in the book to the certificate, with his signature or initials, and shall, at the end of every month, send the same to the Registrar General of Births, Deaths and Marriages.

**37.** When any marriage between Native Christians is solemnized under Part I or Part III of this Act, the person solemnizing the same shall, instead of proceeding in the manner provided by sections 28 to 36, both inclusive, register the marriage in a separate register-book, and shall keep it safely until it is filled, or, if he leave the district in which he solemnized the marriage before the said book is filled, shall make over the same to the person succeeding to his duties in the said district.

Whoever has the control of the book at the time when it is filled shall send it to the Marriage Registrar of the district, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar who shall send it to the Registrar General of Births, Deaths and Marriages, to be kept by him with the records of his office.

## PART V.

### MARRIAGES SOLEMNIZED BY, OR IN THE PRESENCE OF, A MARRIAGE REGISTRAR.

**38.** When a marriage is intended to be solemnized by, or in the presence of, a Marriage Registrar, one of the parties to such marriage shall give notice in writing, in the form contained in the first schedule\* hereto annexed, or to the like effect, to any Marriage Registrar of the district within which the parties have dwelt ;<sup>c</sup>

or, if the parties dwell in different districts, shall give the like notice to a Marriage Registrar of each district,

and shall state therein the name and surname, and the profession or condition, of each of the parties intending marriage, the dwelling-place of each of them, the time during which each has dwelt therein, and the place at which the marriage is to be solemnized :

Provided that, if either party has dwelt in the place stated in the notice for more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

**39.** Every Marriage Registrar shall, on receiving any such notice, cause a copy thereof to be affixed in some conspicuous place in his office.

When one of the parties intending marriage is a minor, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the notice of such marriage, send, by post or otherwise, a copy of such notice to each of the other Marriage Registrars (if any) in the same district, who shall likewise affix the copy in some conspicuous place in his own office.

**40.** The Marriage Registrar shall file all such notices and keep them with the records of his office,

and shall also forthwith enter a true copy of all such notices in a book to be furnished to him for that purpose by the Local Government, and to be called the "Marriage Notice Book" ;

and the Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

**41.** If the party by whom the notice was given requests the Marriage Registrar to issue the certificate next hereinafter mentioned, and if one of the parties intending marriage has made oath as hereinafter required, the Marriage Registrar shall issue under his hand a certificate of such notice having been given and of such oath having been made :

Provided—

that no lawful impediment be shown to his satisfaction why such certificate should not issue ;

that the issue of such certificate has not been forbidden, in manner hereinafter mentioned, by any person authorized in that behalf by this Act ;

that four days after the receipt of the notice have expired ; and further, that where, by such oath, it appears that one of the parties intending marriage is a minor, fourteen days after the entry of such notice have expired.

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\* Not printed. Ed.

42. The certificate mentioned in section 41 shall not be issued by any Marriage Registrar, until one of the parties intending marriage appears personally before such Marriage Registrar, and makes oath—

- (a) that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and
- (b) that both the parties have, or (where they have dwelt in the districts of different Marriage Registrars) that the party making such oath has, had their, his or her usual place of abode within the district of such Marriage Registrar, and, where either or each of the parties is a minor,—
- (c) that the consent or consents to such marriage required by law has or have been obtained thereto, or that there is no person resident in India authorized to give such consent, as the case may be.

43. When one of the parties intending marriage is a minor, and both such parties are at the time resident in any of the towns of Calcutta, Madras and Bombay, and are desirous of being married in less than fourteen days after the entry of such notice as aforesaid, they may apply by petition to a Judge of the High Court, for an order upon the Marriage Registrar to whom the notice of marriage has been given, directing him to issue his certificate before the expiration of the said fourteen days required by section 41.

And, on sufficient cause being shown, the said Judge may, in his discretion, make an order upon such Marriage Registrar, directing him to issue his certificate at any time to be mentioned in the said order before the expiration of the fourteen days so required.

And the said Marriage Registrar, on receipt of the said order, shall issue his certificate in accordance therewith.

44. The provisions of section 19 apply to every marriage under this Part, either of the parties to which is a minor;

and any person whose consent to such marriage would be required thereunder may enter a protest against the issue of the Marriage Registrar's certificate, by writing, at any time before the issue of such certificate, the word "forbidden" opposite to the entry of the notice of such intended marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her position with respect to either of the parties, by reason of which he or she is so authorized.

When such protest has been entered, no certificate shall issue until the Marriage Registrar has examined into the matter of the protest, and is satisfied that it ought not to obstruct the issue of the certificate for the said marriage, or until the protest be withdrawn by the person who entered it.

45. If any person whose consent is necessary to any marriage under this Part is of unsound mind,

or if any such person (other than the father) without just cause withhold his consent to the marriage,

the parties intending marriage may apply by petition, where the person whose consent is necessary is resident within any of the towns of Calcutta, Madras and Bombay, to a Judge of the High Court, or if he is not resident within any of the said towns, then to the District Judge:

And the said Judge of the High Court, or District Judge, as the case may be, may examine the allegations of the petition in a summary way:

And, if upon examination such marriage appears proper, such Judge of the High Court or District Judge, as the case may be, shall declare the marriage to be a proper marriage.

Such declaration shall be as effectual as if the person whose consent was needed had consented to the marriage;

and, if he has forbidden the issue of the Marriage Registrar's certificate, such certificate shall be issued and the like proceedings may be had under this Part in relation to the marriage as if the issue of such certificate had not been forbidden.

46. Whenever a Marriage Registrar refuses to issue a certificate under this Part, either of the parties intending marriage may apply by petition, where the district of such Registrar is within any of the towns of Calcutta, Madras and Bombay, to a Judge of the High Court, or if such district is not within any of the said towns, then to the District Judge.

The said Judge of the High Court, or District Judge, as the case may be, may examine the allegations of the petition in a summary way, and shall decide thereon.

\*The decision of such Judge of the High Court or District Judge, as the case may be, shall be final, and the Marriage Registrar to whom the application for the issue of a certificate was originally made shall proceed in accordance therewith.

47. Whenever a Marriage Registrar resident in any Native State refuses to issue his certificate, either of the parties intending marriage may apply by petition to the Governor General in Council, who shall decide thereon.

Such decision shall be final, and the Marriage Registrar to whom the application was originally made shall proceed in accordance therewith.

48. Whenever a Marriage Registrar, acting under the provisions of section 44, is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, where his district is within any of the towns of Calcutta, Madras and Bombay, to a Judge of the High Court, or, if such district be not within any of the said towns, then to the District Judge.

The said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same.

and the said Judge of the High Court or District Judge, as the case may be, shall examine into the allegations of the petition and the circumstances of the case;

and if, upon such examination, it appears that the person forbidding the issue of such certificate is not authorized by law so to do, such Judge of the High Court or District Judge, as the case may be, shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid.

and thereupon such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue had not been forbidden.

Whenever a Marriage Registrar appointed under section 8 to act within any Native State is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall send a statement of all the circumstances of the case, together with all documents relating thereto, to the Governor General in Council.

If it appears to the Governor General in Council that the person forbidding the issue of such certificate is not authorized by law so to do, the Governor General in Council shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid.

and thereupon such certificate shall be issued, and the like proceedings may be had in relation to such marriage, as if the issue of the certificate had not been forbidden.

49. Every person entering a protest with the Marriage Registrar, under this Part, against the issue of any certificate, on grounds which such Marriage Registrar, under section 44, or a Judge of the High Court or the District Judge, under section 45 or 46, declares to be frivolous and such as ought not to obstruct the issue of the certificate, shall be liable for the costs of all proceedings in relation thereto and for damages, to be recovered by suit by the person against whose marriage such protest was entered.

50. The certificate to be issued by the Marriage Registrar under the provisions of section 41 shall be in the form contained in the second schedule\* to this Act annexed or to the like effect,

and the Local Government shall furnish to every Marriage Registrar a sufficient number of forms of certificate.

61. After the issue of the certificate of the Marriage Registrar, or, where notice is required to be given under this Act to the Marriage Registrars for different districts, after the issue of the certificates of the Marriage Registrars for such districts,

marriage may, if there be no lawful impediment to the marriage of the parties described in such certificate or certificates, be solemnized between them, according to such form and ceremony as they think fit to adopt.

But every such marriage shall be solemnized in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid), and of two or more credible witnesses besides the Marriage Registrar.

And in some part of the ceremony each of the parties shall declare as follows, or to the like effect:—

"I do solemnly declare that I know not of any lawful impediment why I, A. B., may not be joined in matrimony to C. D."

And each of the parties shall say to the other as follows or to the like effect:—"I call upon these persons here present to witness that I, A. B., do take thee, C. D., to be my lawful wedded wife [or husband]."

52. Whenever a marriage is not solemnized within two months after the copy of the notice has been\* entered by the Marriage Registrar, as required by section 40, the notice and the certificate, if any, issued thereupon, and all other proceedings thereupon, shall be void;

and no person shall proceed to solemnize the marriage, nor shall any Marriage Registrar enter the same, until new notice has been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

53. A Marriage Registrar before whom any marriage is solemnized under this Part may ask of the persons to be married the several particulars required to be registered touching such marriage.

54. After the solemnization of any marriage under this Part, the Marriage Registrar present at such solemnization shall forthwith register the marriage in duplicate: that is to say, in a marriage-register-book, according to the form of the fourth schedule\* hereto annexed, and also in a certificate attached to the marriage-register-book as a counterfoil.

The entry of such marriage in both the certificate and the marriage-register-book shall be signed by the person by or before whom the marriage has been solemnized, if there be any such person, and by the Marriage Registrar present at such marriage, whether or not it is solemnized by him, and also by the parties married, and attested by two credible witnesses other than the Marriage Registrar and person solemnizing the marriage.

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage-register-book.

55. The Marriage Registrar shall forthwith separate the certificate from the marriage-register-book and send it, at the end of every month, to the Registrar General of Births, Deaths and Marriages.

The Marriage Registrar shall keep safely the said register-book until it is filled, and shall then send it to the Registrar General of Births, Deaths and Marriages, to be kept by him with the records of his office.

56. The Marriage Registrars in Native States shall send the certificates mentioned in section 34 to such officers as the Governor General in Council from time to time, by notification in the Gazette of India, appoints in this behalf.

57. When any Native Christian about to be married gives a notice of marriage, or applies for a certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said Native Christian under-

stands the English language, and, if he does not, the Marriage Registrar shall translate, or cause to be translated, such notice or certificate, or both of them, as the case may be, to such Native Christian into a language which he understands;

or the Marriage Registrar shall otherwise ascertain whether the Native Christian is cognizant of the purport and effect of the said notice and certificate.

58. When any Native Christian is married under the provisions of this Part, the person solemnizing the marriage shall ascertain whether such Native Christian understands the English language, and, if he does not, the person solemnizing the marriage shall, at the time of the solemnization, translate, or cause to be translated, to such Native Christian, into a language which he understands, the declarations made at such marriage in accordance with the provisions of this Act.

59. The registration of marriages between Native Christians under this Part shall be made in conformity with the rules laid down in section 37 (so far as they are applicable), and not otherwise.

## PART VI.\*

### MARRIAGE OF NATIVE CHRISTIANS.

60. Every marriage between Native Christians applying for a certificate shall, without the preliminary notice required under Part III, be certified under this Part, if the following conditions be fulfilled, and not otherwise:—

- (1) the age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years;
- (2) neither of the persons intending to be married shall have a wife or husband still living;
- (3) in the presence of a person licensed under section 9, and of at least two credible witnesses other than such person, each of the parties shall say to the other—

“I call upon these persons here present to witness that I, A. B., in the presence of Almighty God, and in the name of our Lord Jesus Christ, do take thee, C. D., to be my lawful wedded wife [or husband]” or words to the like effect:

Provided that no marriage shall be certified under this Part when either of the parties intending to be married has not completed his or her eighteenth year, unless such consent as is mentioned in section 19 has been given to the intended marriage, or unless it appears that there is no person living authorized to give such consent.

61. When, in respect to any marriage solemnized under this Part, the conditions prescribed in section 60 have been fulfilled, the person licensed as aforesaid, in whose presence the said declaration has been made, shall, on the application of either of the parties to such marriage, and on the payment of a fee of four annas, grant a certificate of the marriage.

The certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage as conclusive proof of its having been performed.

62. (1) Every person licensed under section 9 shall keep in English, or in the vernacular language in ordinary use in the district or State in which the marriage was solemnized, and in such form as the Local Government by which he was licensed may from time to time prescribe, a register-book of all marriages solemnized under this Part in his presence, and shall deposit in the office of the Registrar General of Births, Deaths and Mar-

\* As to validation of past marriages solemnized under Part VI between persons of whom one only was a Native Christian, and penalty for solemnizing such marriages under Part VI in future, see the Marriages Validation Act, 1892 (II of 1892). En.

riages for the territories under the administration of the said Local Government, in such form and at such intervals as that Government may prescribe, true and duly authenticated extracts from his register-book of all entries made therein since the last of those intervals.

(2) Where the person keeping the register-book was licensed as regards a Native State by the Governor General in Council, references in subsection (1) to the Local Government therein mentioned shall be read as references to the Local Government to whose Registrar General of Births, Deaths and Marriages certified copies of entries in registers of births and deaths are for the time being required to be sent under section 24, subsection (2), of the Births, Deaths and Marriages Registration Act, 1886.

63. Every person licensed under this Act to grant certificates of marriage, and keeping a marriage-register-book under section 62, shall, at all reasonable times, allow search to be made in such book, and shall, on payment of the proper fee, give a copy, certified under his hand, of an entry therein.

64. The provisions of section 62 and 63, as to the form of the register-book, depositing extracts therefrom, allowing searches thereof, and giving copies of the entries therein, shall, *mutatis mutandis*, apply to the books kept under section 37.

65. This Part of this Act, except so much of sections 62 and 63 as are referred to in section 64, shall not apply to marriages between Roman Catholics. But nothing herein contained shall invalidate any marriage celebrated between Roman Catholics under the provisions of Part V of Act No. XXV of 1864,\* previous to the twenty-third day of February, 1865.

## PART VII

### PENALTIES.

66. Whoever, for the purpose of procuring a marriage or license of marriage, intentionally,—

- (a) where an oath or declaration is required by this Act; or by any rule or custom of a Church according to the rites and ceremonies of which a marriage is intended to be solemnized, such Church being the Church of England or of Scotland or of Rome, makes a false oath or declaration, or,
- (b) where a notice or certificate is required by this Act, signs a false notice or certificate,

shall be deemed to have committed the offence punishable under section 193 of the Indian Penal Code with imprisonment of either description for a term which may extend to three years and, at the discretion of the Court, with fine.

67. Whoever forbids the issue, by a Marriage Registrar, of a certificate, by falsely representing himself to be a person whose consent to the marriage is required by law, knowing or believing such representation to be false, or not having reason to believe it to be true, shall be deemed guilty of the offence described in section 205 of the Indian Penal Code.

68. Whoever, not being authorized by section 5 of this Act to solemnize marriages, solemnizes or professes to solemnize in the absence of a Marriage Registrar of the district in which the ceremony takes place, a marriage between persons one or both of whom is or are a Christian or Christians, shall be punished with imprisonment which may extend to ten years, or (in lieu of a sentence of imprisonment for seven years or upwards) with transportation for a term of not less than seven years, and not exceeding ten years.

or, if the offender is an European or American, with penal servitude according to the provisions of Act XXIV of 1855 (to substitute penal servi-

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\* Act XXV of 1864 was repealed by Act V of 1865, which was repealed by this Act. Ed.

*tude for the punishment of transportation in respect of Europeans and American convicts),*  
and shall also be liable to fine.

**69.** Whoever knowingly and wilfully solemnizes a marriage between persons one or both of whom is or are a Christian or Christians, at any time other than between the hours of six in the morning and seven in the evening, or in the absence of at least two credible witnesses other than the person solemnizing the marriage, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

This section does not apply to marriages solemnized under special licenses granted by the Anglican Bishop of the Diocese or by his Commissary, nor to marriages performed between the hours of seven in the evening and six in the morning by a Clergyman of the Church of Rome, when he has received the general or special license in that behalf mentioned in section 10.

Nor does this section apply to marriages solemnized by a Clergyman of the Church of Scotland according to the rules, rites, ceremonies and customs of the Church of Scotland.

**70.** Any Minister of Religion licensed to solemnize marriages under this Act, who, without a notice in writing, or, when one of the parties to the marriage is a minor, and the required consent of the parents or guardians to such marriage has not been obtained, within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnizes a marriage under Part III, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

**71.** A Marriage Registrar under this Act, who commits any of the following offences:—

- (1) knowingly and willingly issues any certificate for marriage, or solemnizes any marriage, without publishing the notice of such marriage as directed by this Act;
- (2) after the expiration of two months after the copy of the notice has been entered as required by section 40 in respect of any marriage, solemnizes such marriage;
- (3) solemnizes, without any order of a competent Court authorizing him to do so, any marriage, when one of the parties is a minor, before the expiration of fourteen days after the receipt of the notice of such marriage, or without sending, by the post or otherwise, a copy of such notice to the senior Marriage Registrar of the district if there be more Marriage Registrars of the district than one, and if he himself be not the Senior Marriage Registrar;
- (4) issues any certificate the issue of which has been prohibited, as in this Act provided, by any person authorized to prohibit the issue thereof.

shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

**72.** Any Marriage Registrar knowingly and wilfully issuing any certificate for marriage after the expiration of two months after the notice has been entered by him as aforesaid,

or knowingly and wilfully issuing, without the order of a competent Court authorizing him so to do, any certificate for marriage, where one of the parties intending marriage is a minor, before the expiration of fourteen days after the entry of such notice, or any certificate the issue of which has been forbidden as aforesaid by any person authorized in this behalf,

shall be deemed to have committed an offence under section 166 of the Indian Penal Code.

**73.** Whoever, being authorized under this Act to solemnize a marriage, and not being a Clergyman of the Church of England, solemnizing a marriage after due publication of banns, or under a license from the Anglican Bishop of the Diocese or a Surrogate duly authorized in that behalf,

or, not being a Clergyman of the Church of Scotland, solemnizing a marriage according to the rules, rites, ceremonies and customs of that church,

or, not being a Clergyman of the Church of Rome, solemnizing a marriage according to the rites, rules, ceremonies and customs of that church,

knowingly and wilfully issues any certificate for marriage under this Act, or solemnizes any marriage between such persons as aforesaid; without publishing, or causing to be affixed, the notice of such marriage as directed in Part III of this Act, or after the expiration of two months after the certificate has been issued by him :

or knowingly and wilfully issues any certificate for marriage, or solemnizes a marriage between such persons when one of the persons intending marriage is a minor, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending, by the post or otherwise, a copy of such notice to the Marriage Registrar, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar of the district :

or knowingly and wilfully issues any certificate the issue of which has been forbidden, under this Act, by any person authorized to forbid the issue :

or knowingly and wilfully solemnizes any marriage forbidden by any person authorized to forbid the same.

shall be punished with imprisonment for a term which may extend to four years, and shall also be liable to fine.

74. Whoever, not being licensed to grant a certificate of marriage under Part VI of this Act, grants such certificate intending thereby to make it appear that he is so licensed, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

Whoever, being licensed to grant certificates of marriage under Part VI of this Act, without just cause refuses, or wilfully neglects or omits, to perform any of the duties imposed upon him by that Part shall be punished with fine which may extend to one hundred rupees.

75. Whoever, by himself or another, wilfully destroys or injures any register-book or the counterfoil certificates thereof, or any part thereof, or any authenticated extract therefrom,

or falsely makes or counterfeits any part of such register-book or counterfoil certificates,

or wilfully inserts any false entry in any such register-book or counterfoil certificate or authenticated extract,

shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

76. The prosecution for every offence punishable under this Act shall be commenced within two years after the offence is committed.

## PART VIII.

### MISCELLANEOUS.

77. Whenever any marriage has been solemnized in accordance with the provisions of sections 4 and 5, it shall not be void merely on account of any irregularity in respect of any of the following matters, namely :—

- (1) any statement made in regard to the dwelling of the persons married, or to the consent of any person whose consent to such marriage is required by law :
- (2) the notice of the marriage :
- (3) the certificate or translation thereof :
- (4) the time and place at which the marriage has been solemnized :
- (5) the registration of the marriage.

78. Every person charged with the duty of registering any marriage, who discovers any error in the form or substance of any such entry, may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other credible witnesses, correct the error, by entry in the

margin, without any alteration of the original entry, and shall sign the marginal entry, and add thereto the date of such correction, and such person shall make the like marginal entry in the certificate thereof.

And every entry made under this section shall be attested by the witnesses in whose presence it was made.

And in case such certificate has been already sent to the Registrar General of Births, Deaths and Marriages, such person shall make and send in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

79. Every person solemnizing a marriage under this Act, and hereby required to register the same,

and every Marriage Registrar or Registrar General of Births, Deaths and Marriages having the custody for the time being of any register of marriages, or of any certificate, or duplicate or copies of certificate, under this Act,

shall, on payment of the proper fees, at all reasonable times, allow searches to be made in such register, or for such certificate, or duplicate, or copies, and give a copy under his hand of any entry in the same.

80. Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any marriage-register or certificate, or duplicate, required to be kept or delivered under this Act, of any entry of a marriage in such register, or of any such certificate or duplicate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such register or certificate or duplicate, or of any entry therein, respectively, or of such copy.

\*81. The Registrar General of Births, Deaths and Marriages and the officers appointed under section 56 shall, at the end of every quarter in each year, select, from the certificates of marriages forwarded to them, respectively, during such quarter, the certificates of the marriages of which the Governor General in Council may desire that evidence shall be transmitted to England, and shall send the same certificates, signed by them respectively, to the Secretary of State for India.

82. Fees shall be chargeable under this Act for—receiving and publishing notices of marriages; issuing certificates for marriage by Marriage Registrars, and registering marriages by the same; entering protests against, or prohibitions of, the issue of certificates for marriage by the said Registrars; searching register-books or certificates, or duplicates or copies thereof; giving copies of entries in the same under sections 63 and 79.

The Local Government shall fix the amount of such fees respectively, and may from time to time vary or remit them either generally or in special cases, as to it may seem fit.

83. The Local Government may make rules in regard to the disposal of the fees mentioned in section 82, the supply of register-books, and the preparation and submission of returns of marriages solemnized under this Act.

84. The powers conferred on the Local Government by sections 82 and 83 may, so far as regards Native States, be exercised by the Governor General in Council.

85. The Local Government may, by notification in the official Gazette, declare who shall, in any place to which this Act applies, be deemed to be the District Judge.

86. The powers and functions given by this Act to the Governor General in Council may be delegated to and exercised by such officers as the Governor General in Council from time to time appoints in this behalf.

And all such powers and functions may be exercised, as regards Native

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\* This Section was substituted for the original Section 81 by Act XIII of 1911. Ed.

States situate within or bordering on the Presidencies of Fort Saint George and Bombay, by the Governors in Council of those Presidencies respectively.

57. Nothing in this Act applies to any marriage performed by any Minister, Consul or Consular Agent between subjects of the State which he represents and according to the laws of such State.

58. Nothing in this Act shall be deemed to validate any marriage which the personal law applicable to either of the parties forbids him or her to enter into.

## THE RELIGIOUS SOCIETIES ACT,

### Act I of 1880.

#### An Act to confer certain powers on Religious Societies.

Whereas it is expedient to simplify the manner in which certain bodies of persons associated for the purpose of maintaining religious worship may hold property acquired for such purpose, and to provide for the dissolution of such bodies and the adjustment of their affairs and for the decision of certain questions relating to such bodies, It is hereby enacted as follows —

1. This Act may be called "The Religious Societies Act, 1880"

It shall come into force at once; and shall extend to the whole of British India.

but nothing herein contained shall apply to any Hindus, Muhammadans or Buddhists, or to any persons whom the Governor General in Council may from time to time, by notification in the *Gazette of India*, exclude from the operation of this Act

2. When any body of persons associated for the purpose of maintaining religious worship has acquired, or hereafter shall acquire, any property, and such property has been or hereafter shall be vested in trustees in trust for such body,

and it becomes necessary to appoint a new trustee in the place of or in addition to any such trustee or any trustee appointed in the manner hereinafter prescribed,

and no manner of appointing such new trustee is prescribed by any instrument by which such property was so vested or by which the trusts on which it is held have been declared, or such new trustee cannot for any reason be appointed in the manner so prescribed,

such new trustee may be appointed in such manner as may be agreed upon by such body, or by a majority of not less than two-thirds of the members of such body actually present at the meeting at which the appointment is made

3. Every appointment of new trustees under section two shall be made to appear by some memorandum under the hand of the chairman for the time being of the meeting at which such appointment is made.

Such memorandum shall be in the form set forth in the schedule hereto annexed, or as near thereto as circumstances allow, shall be executed and attested by two or more credible witnesses in the presence of such meeting, and shall be deemed to be a document of which the registration is required by the Indian Registration Act, 1877, section seventeen

4. When any new trustees have been appointed, whether in the manner prescribed by any such instrument as aforesaid or in the manner hereinbefore provided, the property subject to the trust shall forthwith, notwithstanding any thing contained in any such instrument, become vested, without any conveyance or other assurance, in such new trustees and the old continuing trustees jointly, or, if there are no old continuing trustees, in such new trustees wholly, upon the same trusts, and with and subject to the same powers and provisions, as it was vested in the old trustees.

5. Nothing herein contained shall be deemed to invalidate any appointment of new trustees, or any conveyance of any property, which may hereafter be made as heretofore was by law required.

6. Any number not less than three-fifths of the members of any such body as aforesaid may at a meeting convened for the purpose determine that such body shall be dissolved; and thereupon it shall be dissolved forthwith, or at the time then agreed upon; and all necessary steps shall be taken for the disposal and settlement of the property of such body, its claims and liabilities, according to the rules of such body applicable thereto, if any, and if not, then as such body at such meeting may determine:

Provided that, in the event of any dispute arising among the members of such body, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in which the chief building of such body is situate; and the Court shall make such order in the matter as it deems fit.

7. If upon the dissolution of any such body there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of such body or any of them, but shall be given to some other body of persons associated for the purpose of maintaining religious worship or some other religious or charitable purpose to be determined by the votes of not less than three-fifths of the members present at a meeting convened in this behalf, or in default thereof by such Court as last aforesaid.

8. Nothing in sections six and seven shall be deemed to affect any provision contained in any instrument for the dissolution of such body, or for the payment or distribution of such property.

9. When any question arises, either in connection with the matters hereinbefore referred to, or otherwise, as to whether any person is a member of any such body as aforesaid, or as to the validity of any appointment under this Act, any person interested in such question may apply by petition to the High Court for its opinion on such question. A copy of such petition shall be served upon, and the hearing thereof may be attended by, such other persons interested in the question as the Court thinks fit.

Any opinion given by the Court on an application under this section shall be deemed to have the force of a declaratory decree.

The costs of every application under this section shall be in the discretion of the Court.

#### THE SCHEDULE.

(See section 3.)

Memorandum of the appointment of new trustees of the (describe the church, chapel or other buildings and property) situate at a meeting duly convened and held for that purpose (in the vestry of the said ) on the day of

18 , A. B. of Chairman.

Names and descriptions of all the trustees on the constitution or last appointment of trustees, made the day of (here insert the same).

Names and descriptions of all the trustees in whom the said (chapel and property) now become legally vested.

First.—Old continuing trustees:—(here insert the same).

Second.—New trustees now chosen and appointed:—(here insert the same).

Dated this day of 18

Signed by the said A. B. as Chairman  
of the said Meeting, at and in the presence  
of the said Meeting on the day and year  
aforesaid in the presence of—C. D. E. F. }

A. B.  
Chairman of the  
said Meeting.

## BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT.

Act No. VI of 1886.

**An Act to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.**

[As modified up to 1st May, 1911.]

Whereas it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons, for the more effectual registration of those births and deaths and of the marriages registered under the Indian Christian Marriage Act, 1872, and for the establishment of general registry offices for keeping registers of those births, deaths and marriages :

And whereas it is also expedient to provide for the authentication and custody of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of the country in which the registers were kept, and to declare that copies of the entries in those registers shall be admissible in evidence,

It is hereby enacted as follows :—

### CHAPTER I

#### PRELIMINARY.

1. (1) This Act may be called the Births, Deaths and Marriages Registration Act, 1886; and

(2) It shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, directs.

2. This Act extends to the whole of British India and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions.

### CHAPTER II.

#### GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

6. (1) Each Local Government—

(a) shall establish a general registry office for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under the Indian Christian Marriage Act, 1872, as may be sent to it under this Act and

(b) may appoint to the charge of that office an officer, to be called the Registrar General of Births, Deaths and Marriages, for the territories under its administration :

7. Each Registrar General of Births, Deaths and Marriages shall cause indexes of all the certified copies of registers sent to his office under this Act or under the Indian Christian Marriage Act, 1872, to be made and kept in his office in the prescribed form.

8. Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which the indexes relate shall be given to all persons applying for them.

9. A copy of an entry given under the last foregoing section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer authorized in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

## CHAPTER VII.

## CHAPTER III.

## REGISTRATION OF BIRTHS AND DEATHS.

*C.—Mode of Registration.*

20. Any of the following persons may give notice of a birth, namely :—
- (a) the father or mother of the child ;
  - (b) any person present at the birth ;
  - (c) any person occupying, at the time of the birth, any part of the house wherein the child was born and having knowledge of the child having been born in the house ;
  - (d) any medical practitioner in attendance after the birth and having personal knowledge of the birth having occurred ;
  - (e) any person having charge of the child.
21. Any of the following persons may give notice of a death, namely :—
- (a) any relative of the deceased having knowledge of any of the particulars required to be registered concerning the death ;
  - (b) any person present at the death ;
  - (c) any person occupying, at the time of the death, any part of the house wherein the death occurred and having knowledge of the deceased having died in the house ;
  - (d) any person in attendance during the last illness of the deceased ;
  - (e) any person who has seen the body of the deceased after death.

23. The Registrar of Births and Deaths shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

24. (1) Every Registrar of Births and Deaths in British India shall send to the Registrar General of Births, Deaths and Marriages for the territories within which the local area or class for which he is appointed is situate or resides, at the prescribed intervals, a true copy certified by him, in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals ;

Provided that in the case of Registrars of Births and Deaths who are clergymen of the Churches of England, Rome and Scotland the Registrar may, if so directed by his ecclesiastical superior, send the certified copies in the first instance to that superior, who shall send them to the proper Registrar General of Births, Deaths, and Marriages.

In this sub-section "Church of England" and "Church of Scotland" mean the Church of England and the Church of Scotland as by law established respectively ; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

*E.—Correction of Errors.*

25. (1) If it is proved to the satisfaction of a Registrar of Births and Deaths that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, he may, subject to such rules as may be made by the Local Government with respect to the conditions and circumstances on and in which errors may be corrected, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction.

(2) If a certified copy of the entry has already been sent to the Registrar General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

## CHAPTER IV.

## AMENDMENT OF MARRIAGE ACTS.

26. In the Indian Christian Marriage Act, 1872, the following amendments shall be made, namely :—

- (a) at the end of section 3, the words " 'Registrar General of Births, Deaths and Marriages' means a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886, " shall be added;
- (b) for the words "Secretary to the Local Government," wherever they occur, and for the words "Secretary to a Local Government" in section 79, the words "Registrar General of Births, Deaths and Marriages" shall be substituted;
- (d) in section 81, after the words "Registrar General of Births, Deaths and Marriages" the words "in England" shall be added.

## CHARITABLE ENDOWMENTS ACT,

### Act VI of 1890.

**An Act to provide for the Vesting and Administration of Property held in trust for charitable purposes.**

*[As modified up to the 1st August, 1908.]*

Whereas it is expedient to provide for the vesting and administration of property held in trust for charitable purposes, It is hereby enacted as follows :—

1. (1) This Act may be called the Charitable Endowments Act, 1890.
- (2) It extends to the whole of British India, inclusive of British Baluchistan; and
- (3) It shall come into force on the first day of October, 1890

2. In this Act "charitable purpose" includes relief of the poor, education, medical relief and the advancement of any other object of general public utility, but does not include a purpose which relates exclusively to religious teaching or worship.

3. (1) The Governor General in Council may appoint an officer of the Government by the name of his office to be Treasurer of Charitable Endowments for the territories subject to any Local Government.

(2) Such Treasurer shall, for the purposes of taking, holding and transferring moveable or immoveable property under the authority of this Act, be a corporation sole by the name of the Treasurer of Charitable Endowments for the territories subject to the Local Government, and, as such Treasurer, shall have perpetual succession and a corporate seal, and may sue and be sued in his corporate name

4. (1) Where any property is held or is to be applied in trust for a charitable purpose, the Local Government, if it thinks fit, may, on application made as hereinafter mentioned, and subject to the other provisions of this section, order, by notification in the official Gazette, that the property be vested in the Treasurer of Charitable Endowments on such terms as to the application of the property or the income thereof as may be agreed on between the Local Government and the person or persons making the application, and the property shall thereupon so vest accordingly

(2) When any property has vested under this section in a Treasurer of Charitable Endowments, he is entitled to all documents of title relating thereto.

(3) A Local Government shall not make an order under sub-section (1) for the vesting in a Treasurer of Charitable Endowments of any securities for money, except the following, namely :—

- (a) Promissory notes, debentures, stock and other securities of the Government of India, or of the United Kingdom of Great Britain and Ireland;
- (b) bonds, debentures and annuities charged by the Imperial Parliament on the revenues of India;

- (c) stock or debentures of, or shares in, Railway or other Companies, the interest whereon has been guaranteed by the Secretary of State for India in Council;
- (d) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by an Act of a legislature established in British India;
- (e) a security expressly authorised by any order which the Governor General in Council may make in this behalf.

(4) An order under this section vesting property in a Treasurer of Charitable Endowments shall not require or be deemed to require him to administer the property, or impose or be deemed to impose upon him the duty of a trustee with respect to the administration thereof.

5. (1) On application made as hereinafter mentioned, and with the concurrence of the person or persons making the application, the Local Government, if it thinks fit, may settle a scheme for the administration of any property which has been or is to be vested in the Treasurer of Charitable Endowments, and may in such scheme appoint, by name or office, a person or persons, not being or including such Treasurer, to administer the property.

(2) On application made as hereinafter mentioned, and with the concurrence of the person or persons making the application, the Local Government may, if it thinks fit, modify any scheme settled under this section or substitute another scheme in its stead.

(3) A scheme settled, modified or substituted under this section shall, subject to the other provisions of this section, come into operation on a day to be appointed by the Local Government in this behalf, and shall remain in force so long as the property to which it relates continues to be vested in the Treasurer of Charitable Endowments or until it has been modified or another such scheme has been substituted in its stead.

(4) Such a scheme, when it comes into operation, shall supersede any decree or direction relating to the subject-matter thereof in so far as such decree or direction is in any way repugnant thereto, and its validity shall not be questioned in any Court, nor shall any Court give, in contravention of the provisions of the scheme or in any way contrary or in addition thereto, a decree or direction regarding the administration of the property to which the scheme relates.

(5) In the settlement of such a scheme effect shall be given to the wishes of the author of the trust so far as they can be ascertained, and, in the opinion of the Local Government effect, can reasonably be given to them.

(6) Where a scheme has been settled under this section for the administration of property not already vested in the Treasurer of Charitable Endowments, it shall not come into operation until the property has become so vested.

6. (1) The application referred to in the two last foregoing sections must be made,—

- (a) if the property is already held in trust for a charitable purpose, then by the person acting in the administration of the trust, or, where there are more persons than one so acting, then by those persons or a majority of them; and
- (b) if the property is to be applied in trust for such a purpose, then by the person or persons proposing so to apply it.

(2) For the purposes of this section the executor or administrator of a deceased trustee of property held in trust for a charitable purpose shall be deemed to be a person acting in the administration of the trust.

7. (1) The Governor General in Council may exercise all or any of the powers conferred on the Local Government by sections 4 and 5.

(2) When the Governor General in Council has signified to the Local Government his intention of exercising any of those powers with respect to any property, that Government shall not, without his previous sanction, exercise them with respect thereto.

8. (1) Subject to the provisions of this Act, a Treasurer of Charitable Endowments shall not, as such Treasurer, act in the administration of any trust whereof any of the property is for the time being vested in him under this Act.

(2) Such Treasurer shall keep a separate account of each property for the time being so vested in so far as the property consists of securities for money, and shall apply the property or the income thereof in accordance with the provision made in that behalf in the vesting order under section 4 or in the scheme, if any, under section 5, or in both those documents.

(3) In the case of any property so vested other than securities for money, such Treasurer shall, subject to any special order which he may receive from the authority by whose order the property became vested in him, permit the persons acting in the administration of the trust to have the possession, management and control of the property, and the application of the income thereof, as if the property had been vested in them.

9. A Treasurer of Charitable Endowments shall cause to be published annually in the local official Gazette, at such time as the Local Government may direct, a list of all properties for the time being vested in him under this Act and an abstract of all accounts kept by him under sub-section (2) of the last foregoing section.

10. (1) A Treasurer of Charitable Endowments shall always be a sole trustee and shall not, as such Treasurer, take or hold any property otherwise than under the provisions of this Act, or, subject to those provisions, transfer any property vested in him except in obedience to a decree divesting him of the property, or in compliance with a direction in that behalf issuing from the authority by whose order the property became vested in him.

(2) Such a direction may require the Treasurer to sell or otherwise dispose of any property vested in him, and, with the sanction of the authority issuing the direction, to invest the proceeds of the sale or other disposal of the property in any such security for money as is mentioned in section 4 sub-section (3), clause (a), (b), (c), (d) or (e), or in the purchase of immoveable property.

(3) When a Treasurer of Charitable Endowments is divested, by a direction of the Local Government or the Governor General in Council under this section, of any property, it shall vest in the person or persons acting in the administration thereof and be held by him or them on the same trusts as those on which it was held by such Treasurer.

11. If the office held by an officer of the Government who has been appointed to be a Treasurer of Charitable Endowments is abolished or its name is changed, the Governor General in Council may appoint the same or another officer of the Government by the name of his office to be such Treasurer, and thereupon the holder of the latter office shall be deemed for the purposes of this Act to be the successor in office of the holder of the former office.

12. If by reason of an alteration of the limits of the territories subject to a Local Government, or for any other reason, it appears to the Governor General in Council that any property vested in a Treasurer of Charitable Endowments should be vested in another such Treasurer, he may direct that the property shall be so vested, and thereupon it shall vest in that other Treasurer and his successors as fully and effectually for the purposes of this Act, as if it had been originally vested in him under this Act.

13. The Governor General in Council may frame forms for any proceedings under this Act for which he considers that forms should be provided, and may make such rules consistent with this Act as he may deem expedient for—

(a) prescribing the Local Government which is to exercise the powers conferred by this Act in the case of property which is, or is situated, in territories subject to two or more Local Governments;

- (b) ~~prescribing the fees to be paid to the Government in respect of any property vested under this Act in a Treasurer of Charitable Endowments;~~
- (c) ~~regulating the cases and mode in which schemes or any modifications thereof are to be published before they are settled or made under section 5;~~
- (d) ~~prescribing the forms in which accounts are to be kept by Treasurers of Charitable Endowments, and the mode in which such accounts are to be audited; and~~
- (e) generally, carrying into effect the purposes of this Act.

**13.** No suit shall be instituted against the Government in respect of anything done or purporting to be done under this Act, or in respect of any alleged neglect or omission to perform any duty devolving on the Government under this Act, or in respect of the exercise of, or the failure to exercise, any power conferred by this Act on the Government, nor shall any suit be instituted against a Treasurer of Charitable Endowments except for divesting him of property on the ground of its not being subject to a trust for a charitable purpose, or for making him chargeable with or accountable for the loss or misapplication of any property vested in him, or the income thereof, where the loss or misapplication has been occasioned by or through his wilful neglect or default.

**15.** Nothing in this Act shall be construed to impair the operation of section 111 of the Statute 53 George III, Chapter 155, or of any other enactment for the time being in force, respecting the authority of an Advocate General at a presidency to act with respect to any charity, or of section 8, 9, 10 and 11 of Act No. XVII of 1864 (*an Act to constitute an Office of Official Trustee*) respecting the vesting of property in trust for a charitable purpose in an Official Trustee.

**16.** A Local Government shall, in the exercise of its powers under this Act, be subject to the control of the Governor General in Council.

## CHRISTIAN MARRIAGES VALIDATION ACT,

### Act II of 1892.

#### An Act to validate certain marriages solemnized under Part VI of the Indian Christian Marriage Act, 1872.

Whereas provision is made in Part VI of the Indian Christian Marriage Act, 1872, for the solemnization of marriages between persons of whom both are Native Christians, but not of marriages between persons of whom one only is a Native Christian;

And whereas persons licensed under section 9 of the said Act have in divers parts of British India, through ignorance of the law, permitted marriages to be solemnized in their presence under the said Part between persons of whom one is a Native Christian and the other is not a Native Christian;

And whereas it is expedient that such marriages, having been solemnized in good faith, should be validated;

It is hereby enacted as follows:—

1. This Act shall come into force at once.
2. In this Act the expression "Native Christian" has the same meaning as in the Indian Christian Marriage Act, 1872.
3. All marriages which have already been solemnized under Part VI of the Indian Christian Marriage Act, 1872, between persons of whom one only was a Native Christian, shall be as good and valid in law as if such marriages had been solemnized between persons of whom both were Native Christians:

Provided that nothing in this section shall apply to any marriage which has been judicially declared to be null and void, or to any case where either of the parties has, since the solemnization of such marriage and prior to the commencement of this Act, contracted a valid marriage.