



CHAPTER 83.

An Act to amend the provisions of the Government of India Act by exempting proposals for expenditure upon certain salaries, pensions and other payments from submission to Indian legislatures, and to enable rules made under the said Act relating to the Civil Services of the Crown in India to be dispensed with or relaxed in certain cases. [22nd December 1925.] A.D. 1925.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Sections sixty-seven A and seventy-two D of the Government of India Act shall as from and after the thirty-first day of March, nineteen hundred and twenty-four, have effect as though the following amendments were made therein:—

Amendment
of ss. 67A
and 72D of
Govern-
ment of
India Act.

- (1) In subsection (3) of the said section sixty-seven A (which relates to proposals for the appropriation of money which are not to be submitted to the vote of the Legislative

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Assembly) there shall be substituted for paragraphs (iii) and (iv) the following paragraphs:—

“(iii) Salaries and pensions payable to or to the dependants of—

(a) persons appointed by or with the approval of His Majesty or by the Secretary of State in Council;

(b) chief commissioners and judicial commissioners;

(c) persons appointed before the first day of April, nineteen hundred and twenty-four, by the Governor-General in Council or by a local government to services or posts classified by rules under this Act as superior services or posts; and

“(iv) Sums payable to any person who is or has been in the civil service of the Crown in India under any order of the Secretary of State in Council, of the Governor-General in Council, or of a governor, made upon an appeal made to him in pursuance of rules made under this Act.”

(2) In subsection (3) of the said section seventy-two D (which relates to proposals for the appropriation of money which are not to be submitted to governors' legislative councils) there shall be substituted for paragraphs (iv) and (v) the following paragraphs:

“(iv) Salaries and pensions payable to or to the dependants of—

(a) persons appointed by or with the approval of His Majesty or by the Secretary of State in Council;

(b) judges of the high court of the province;

(c) the advocate-general;

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Services) Act, 1925.*

(d) persons appointed before the first day of April, nineteen hundred and twenty-four, by the Governor-General in Council or by a local government to services or posts classified by rules under this Act as superior services or posts; and

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—

“(v) Sums payable to any person who is or has been in the civil service of the Crown in India under any order of the Secretary of State in Council, of the Governor-General in Council, or of a governor, made upon an appeal made to him in pursuance of rules made under this Act.”

(3) At the end of subsection (3) of each of the said sections sixty-seven A and seventy-two D the following provision shall be added :—

“For the purposes of this subsection the expression ‘salaries and pensions’ includes remuneration, allowances, gratuities, any contributions (whether by way of interest or otherwise) out of the revenues of India to any provident fund or family pension fund, and any other payments or emoluments payable to or on account of a person in respect of his office.”

2. At the end of section ninety-six B of the Government of India Act (which relates to the civil services in India) there shall be inserted the following subsection :—

Amendment
of s. 96B of
Govern-
ment of
India Act.

“(5) No rules or other provisions made or confirmed under this section shall be construed to limit or abridge the power of the Secretary of State in Council to deal with the case of any person in the civil service of the Crown in India in such manner as may appear to him to be just and equitable, and any rules made by the Secretary of State in Council under subsection (2) of this section delegating the power of making rules may provide for dispensing with or relaxing

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the requirements of such rules to such extent and in such manner as may be prescribed :

Provided that where any such rule or provision is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule or provision."

Amendment
of s. 97 of
Government
of India
Act.

3. In subsection (6) of section ninety-seven of the Government of India Act (which relates to the appointment to the Indian Civil Service of persons domiciled in India) the words "in Council" shall be inserted after the words "Secretary of State" where those words first occur.

Short title,
construction
and print-
ing.
9 & 10
Geo. 5.
c. 101.

4.—(1) This Act may be cited as the Government of India (Civil Services) Act, 1925.

(2) Subsection (2) of section forty-five of the Government of India Act, 1919 (which relates to the effect of amendments to and the printing of the Government of India Act) shall have effect as if it were herein re-enacted and in terms made applicable to the amendments effected by this Act.

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