

FINANCE DEPARTMENT.

FINANCIAL DEPARTMENT.

(The Myanmar Government Civil Pension (Commutation) Rules.)

No.19

Dated Rangoon, the 19th May 1929.

[Amendment : 18.06.1989]

No. 19.- In exercise of the powers conferred by Rule 4 (1) of the Civil Services (Governors' Provinces) Delegation Rules, 1926, made by the Secretary of State in Council under section 96B of the Government of India Act, the Governor in Council hereby makes the following rules in supersession of the rules published in Financial Department Notification No. 16, dated the 6th April 1927, to regulate the commutation of their civil pensions by members of the Provincial and Subordinate Services and by officers holding special posts:-

1. (1) These rules may be cited as the Myanmar Government Civil Pension (Commutation) Rules.
- (2) They shall come into force on the 1st June 1929.
- (3) They apply (a) to persons who are, or were, at the time of their retirement, Government servants in the Provincial and Subordinate Services or holders of special posts under the administrative control of the Government of Myanmar; (b) to other Government pensioners of similar standing whose pensions are a charge upon the revenues of the Government of Myanmar.

<Amendment 18.06.1989>

2. In these rules "Finance Department" means the Local Government in the Finance Department.
3. (1) The power to sanction commutation of civil pensions for a lump payment is hereby reserved to the Finance Department in cases falling under Rule 4 (a) and to the High Commissioner for India in cases falling under Rule 4 (b)
- (2) No commutation shall be sanctioned which would have the effect of reducing the balance of the monthly pension to less than Rs. 20 or one-half of such pension whichever is greater; provided that the Finance Department and the High Commissioner for India may in their discretion relax or waive either or both of the above limitations in respect of a compensation, invalid, wound or other extraordinary pension

- (3) No commutation shall be sanctioned to a pensioner whose actual age next birthday, or age next birthday as determined by Rule 9, as the case may be, will exceed 80 years.
- (4) The right is reserved to the Finance Department and the High Commissioner for India to refuse any application for commutation, or to call for information, not required under these rules, from or in respect of any applicant.
- (5) These rules do not generally apply to Compassionate Allowances, the commutation of which will be sanctioned only very sparingly and in special circumstances for sufficient causes shown.
4. Applications to commute, which shall be in the prescribed Form A attached to these rules and signed by the pensioner, shall, unless the Finance Department or the High Commissioner, as the case may be, in any case or class of cases otherwise directs, be submitted:-
- (a) in the case of a pensioner who draws his pension from an Indian treasury or who being resident in a colony having an account current with the Accountant-General, Central Revenues, draws his pension from the local treasury, to the Finance Department through the Deputy Commissioner of the District in which he resides, if his residence is in Myanmar; otherwise through the Head of the Department in which he was last serving;
- (b) in the case of any other pensioner, to the High Commissioner for India through the official from whom the pension is drawn, if the pensioner resides in a Dominion or Colony not covered by clause (a); otherwise direct.
- <Amendment 18.06.1989>
5. Other rules regulating the procedure to be followed in submitting applications to commute and the conditions subject to which commutation will be allowed shall be prescribed by the High Commissioner for India in all cases governed by Rule 4 (b). The following rules apply only to all cases governed by Rule 4 (a).
6. Unless he is on invalid or wound or other extraordinary pension, the pensioner shall appear before a medical officer of not lower standing than a Civil Surgeon, District Medical Officer or Presidency Surgeon, for medical examination, taking with him for production before the Medical Officer his application in Form A duly completed and signed together with a certified extract (relating to the date of his birth from the History of Services of Gazetted Officers/ from his Service Book or Service Roll showing the date of his birth, his height and marks) if before retirement he (was a gazetted officer/ was not a gazetted officer') the certified extract from the service-book being obtained from the officer who sanctioned his pension.

The certifying Medical Officer shall subject the pensioner to a strict medical examination requiring him to give such information as to his health and habits as is usually supplied by persons proposing to assure their lives in Assurance Companies and grant him a report on his expectation of life in Form B which the pensioner shall submit along with his application for commutation.

7. If, though otherwise in order, the application, being from a person in receipt of an invalid or a wound or other extraordinary pension, is submitted under the provisions of Rule 6 without a medical report, the Finance Department shall arrange for the pensioner to appear either before a Medical Board or before a specified medical officer of Government for examination. The authority before whom he so appears shall then submit a report in the prescribed Form B direct to the Finance Department.
8. (a) The authority through whom the application is submitted shall have authority to withhold applications not complying with these rules. An appeal against such an order shall lie to the Finance Department.
(b) If he forwards the application, he shall verify the number and date of the letter sanctioning the pension, the amount of the pension and the number of the pension payment order.
(c) If the application is one for commutation of an invalid pension, the authority through whom it is submitted shall attach a certified copy of the pension medical certificate on which the applicant was invalided from service.
9. (1) The lump sum payable on commutation shall be the amount certified by the Accountant-General to be admissible according to the Table of Commutation Values appended to these rules. For the purpose of this rule the age of the pensioner shall be his actual age subject to such enhancement as the certifying medical authority may see fit to make in view of the pensioner's present state of health. Commutation will be sanctioned with effect from a date, which will ordinarily be about one month later than the date of the sanctioning orders, and all calculations will be made with reference to that date.
(2) The lump sum payable on commutation shall be paid at the treasury at which the pension is being drawn.
(3) Subject to the provisions of Rule 10 below, the sanction to commute any portion of a civil pension shall become absolute on the date with effect from which the sanction is accorded. From that date the commuted portion of the pension shall cease to be paid and the commuted value of such portion shall be paid to the pensioner on or as soon as possible after that date.
10. The sanction to commute shall be communicated to the pensioner through the authority by whom his application was forwarded and shall specify (i) the amount of the present value of the commuted portion

of the pension, (ii) the date with effect from which the commutation is sanctioned, and (iii) that the pensioner may, if he so desires, revoke his application to commute by submitting to the Finance Department through the Treasury Officer of the treasury from which he draws his pension a declaration in writing to that effect so as to reach the Treasury Officer before the date with effect from which the commutation is sanctioned.

11. If when a commutation has been sanctioned under these rules the pensioner dies on or after the date from which commutation is to take effect but before receiving the commutation value, this value shall be paid to his heirs.

----- Footnote -----

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----- Attachment -----

[ATTACH LIST 1] 01 FORM A. (Vide Rule 4.)

[ATTACH LIST 2] 02 FORM B FORM OF MEDICAL CERTIFICATE. (Vide Rule 6.)

[ATTACH LIST 3] 03 TABLE OF COMMUTATION VALUES. [Vide rule 9(1).]