

# [THE] ALL-INDIA SERVICES REGULATIONS (INDEMNITY) ACT, 1975 (19 OF 1975)

[The text of the Act printed here is as on 29-2-2004]

[6th May, 1975]

An Act to grant indemnity in respect of the failure to lay before Parliament certain regulations made under the All-India Services Act, 1951, and for certain other matters connected therewith.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows :—

**1. Short title.**— This Act may be called the All-India Services Regulations (Indemnity) Act, 1975.

**2. Indemnity.**— The Central Government and all officers responsible for the laying of any regulation made before the commencement of this Act under or in pursuance of any rule made under the All-India Services Act, 1951, are, and each of them is, hereby freed, discharged and indemnified from and against all consequences, whatsoever, if any, incurred or to be incurred by them or the Central Government or any such officer by reason of any omission in this behalf to lay such regulation before Parliament and every such regulation shall for all purposes be deemed to have been only laid before Parliament and shall have effect and shall be deemed always to have had effect accordingly.

**3. Amendment of Section 3 of Act 61 of 1951.**— [Repealed by the Repealing and Amending Act (38 of 1978), S. 2, Sch. I.]

## Section 3 (contd.)

in 1986, allotment year should be determined on basis that officers were included in list in 1983 and not in 1986 when U.P.S.C. approved list. **AIR 1997 SC 595 : 1997 AIR SCW 184 : 1997 Lab IC 303.**

(71) Candidates included in i.e. residue of the previous list do not form a part of the new list merely because Regulations 7(4) and 5(6) of Indian Police Service (Appointment by Promotion) Regulations talk about review and revision of the select list. Regn. 5 of which sub-regn. (6) forms a part, quite clearly lays down the manner in which the list has to be annually reviewed and revised. A new list has to be prepared every year and the list so prepared is a reviewed/ revised list for that year. From these sub-regulations one cannot spell out that the members on the old list will continue to form a part of the new select list when the provisions of Regn. 5 are expressly to the contrary. **AIR 1998 SC 3291 : 1995 AIR SCW 3221 : 1998 Lab IC 3543 (3547).**

(72) Officiation in senior post in the I.P.S. cadre will count for seniority provided such officiation is continuous and the post is not held as a purely temporary or local arrangement. **AIR 1998 SC 3291 : 1998 AIR SCW 3221 : 1998 Lab IC 3543 (3549).**

(73) Sub-regn. (3) of Regn. 5 of Indian Police

Service (Appointment by Promotion) Regulations (1955) excludes the candidates who had attained age of 54 years on date prescribed from zone of consideration for preparation of select list of suitable officers for promotion to the Indian Police Service. Proviso to sub-regn. (3), however, includes previous list candidate having attained age of 54 years and cannot be interpreted to mean that every person whose name was in previous select list shall be included for subsequent year. **AIR 1998 SC 3291 (3546) : 1998 AIR SCW 3221 : 1998 Lab IC 3543 \*\* (1996) 4 JT (SC) 39.**

## Section 4

(1) The Act is not invalid on ground of excessive delegation. **AIR 1969 SC 512 (518).**

(2) The lists of the Police Service Officers styled as 'fit for trial to promotion posts' and purported to have been prepared under Draft R. 2 by the Selection Committee in the year 1951, 1952, 1954 could not be deemed to be 'Select Lists' within meaning either of Draft Rule 2 or Promotion Regulation 5 of Indian Police Service (Appointment by Promotion) Regulation (1955). **AIR 1969 SC 1249 (1254) : 1969 Lab IC 1520. (ILR (1967) Cut 735, Reversed.)**

(3) Benefit in respect of remuneration to members of I.C.S. is guaranteed by Constitution. **AIR 1962 SC 505 (510).**