

# The Pensions Act, 1871

<sup>1</sup>Act No. XXIII OF 1871

[8<sup>th</sup> August, 1871]

## An Act to consolidate and amend the law relating to Pensions and Grants by Government of money or land-revenue.

**Preamble.** WHEREAS it is expedient to consolidate and amend the law relating to pensions and grants by Government of money or land-revenue; It is hereby enacted as follows:—

### I.-PRELIMINARY

1. **Short title.** This Act may be called the Pensions Act, 1871.

<sup>1</sup> For Statement of Objects and Reasons, see Gazette of India, 1871, Pt. V, p. 141 ; for Proceedings in Council, see *ibid.*, 1871, Supplement, pp. 314, 401, 683, 1056, and 1147.

This Act has been declared in force in Baluchistan by the British Baluchistan Laws Regulation, 1913 (2 of 1913), s.3.

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications ; and extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified; see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

It has been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

This Act has been extended to the Baluchistan States Union, see the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O. 4 of 1953), as amended by the Baluchistan States Union (Federal Laws) (Extension) (Second Amendment) Order, 1953 (G.G.O. 19 of 1953).

It has also been extended to the Khairpur State, see G.G.O. 5 of 1953, as amended by G.G.O. 24 of 1953.

This Act has been extended to the State of Bahawalpur, see the Bahawalpur (Extension of Federal Laws) Order, 1953 (G.G.O. 11 of 1953).

This Act and all rules, notifications, declarations, resolutions and orders made under it, have been extended to the State of Bahawalpur, See the Bahawalpru (Extension of Federal Laws) Order, 1953 (G.G.O.11 of 1953).

**Extent of Act.** <sup>1</sup>[It extends to the whole of Pakistan] ;

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2. [Enactments repealed. Saving of Rules] Rep. by the Repealing Act, 1938 (I of 1938).

**Interpretation section.** In this Act, the expression "grant of money or land revenue" includes anything payable on the part of Government in respect of any right, privilege, perquisite or office.

<sup>4</sup>[3A. Definition. The expression "the appropriate Government" means, in relation to <sup>5</sup>[Federal] pensions, the <sup>6</sup>[Federal Government] and in relation to other pensions, the Provincial Government]

### II.—RIGHTS TO PENSIONS

4. **Bar of suits relating to pensions.** Except as hereinafter provided, no Civil Court shall entertain any suit relating to any pension or grant of money or land-revenue conferred or made by the <sup>7</sup>[Federal Government] or any Provincial Government or any former Government, whatever may have been the consideration for any such pension or grant, and whatever may

have been the nature of the payment, claim or right for which such pension or grant may have been substituted.

**5. Claims to be made to collector or other authorized officer.** Any person having a claim relating to any such pension or grant may prefer such claim to the Collector of the District or Deputy Commissioner or other officer authorized in this behalf by the <sup>8</sup>[appropriate Government]; and such Collector, Deputy Commissioner or other officer shall dispose of such claim in accordance with such rules as the Chief Revenue-authority may, subject to the general control of the <sup>8</sup>[appropriate Government], from time to time prescribe in this behalf.

**6. Civil Court empowered to take cognizance of such claims.** A Civil Court, otherwise competent to try the same, shall *take* cognizance of any such claim upon receiving a certificate from such Collector, Deputy Commissioner or other officer authorized in that behalf that the case may be so tried, but shall not make any order or decree in any suit whatever by which the liability of Government to pay any such pension or grant as aforesaid is affected directly or indirectly.

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<sup>1</sup> Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), section 3 and 2nd Sch., for "It extends to [all the Provinces and the capital of the Federation]". The words in crotchets were subs., for "the whole of British India" by A.O., 1949, Arts. 3(2) and 4.

<sup>2</sup> The words "And it shall come into force on the date of the passing thereof" rep. by the Repealing and Amending Act, 1914 (10 of 1914).

<sup>3</sup> The words "but not so as to affect any suit in respect of a pension or grant of money or land-revenue which may have been instituted before such date" rep. by the Amending Act. 1891 (12 of 1891).

<sup>4</sup> Section 3A ins. by A.O., 1937.

<sup>5</sup> Subs. by F.A.O., 1975 Art. 2 and Table, for "Central" which was subs. by A. O., 1964, Art. 2 and Sch., for "federal".

<sup>6</sup> Subs. by F.A.O., 1975, Art 2 and Table, for "Central Government".

<sup>7</sup> Subs. *ibid.*, for "Central Government" which had been subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and III Sch., for "British".

<sup>8</sup> Subs. by A. O., 1937, for "L. G".

**7. Pensions for lands held under grants in perpetuity.** Nothing in sections 4 and 6 applies to-

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<sup>2</sup>pensions heretofore granted by Government in <sup>3</sup>[the territories subject to the Lieutenant Governor of Bengal], either wholly or in part as an indemnity for loss sustained by the resumption by a Native Government of lands held under sanads purporting to confer a right in perpetuity. Such pensions shall not be liable to resumption on the death of the recipient, but every such pension shall be capable of alienation and descent, and may be sued for and recovered in the same manner as any other property.

### III.- MODE OF PAYMENT

**8. Payment to be made by Collector or other authorized officer.** All pensions or grants by Government of money or land-revenue shall be paid by the Collector or the Deputy Commissioner or other authorized officer, subject to such rules as may, from time to time, be prescribed by the Chief Controlling Revenue-authority.

**9. Saving of rights of grantees of land-revenue.** Nothing in sections 4 and 8 shall affect the right of a grantee of land-revenue, whose claim to such grant is admitted by Government, to

recover such revenue from the persons liable to pay the same under any law for the time being in force for the recovery of the rent of land.

**10. Commutation of pension.** The <sup>4</sup>[appropriate Government] may, with the consent of the holder, order the whole or any part of his pension or grant of money or land-revenue to be commuted for a lump sum on such terms as may seem fit.

#### IV.- MISCELLANEOUS

**<sup>5</sup>11. Exemption of pension from attachment.** No pension granted or continued *by* Government on political considerations, or on account of past services or present infirmities or as a compassionate allowance,

and no money due or to become due on account of any such pension or allowance,

shall be liable to seizure, attachment or sequestration by process of any Court in <sup>6</sup>[Pakistan], at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such Court.

<sup>1</sup>Clause (1) omitted by A. O., 1949, Sch.

<sup>2</sup>The number and brackets "(2)" omitted, *ibid*.

<sup>3</sup>Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and III Sch., for "the territories respectively subject to the Lieutenant-Governor of the North-Western Province."

<sup>4</sup>Subs. by A. O., 1937, for "L. G."

<sup>5</sup>See also s. 60, clause (g) of the Code of Civil Procedure, 1908 (Act 5 of 1908).

<sup>6</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), section 3 and 2nd Sch, (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation" which was subs., for "British India" by A. O., 1949. Arts, 3(2) and 4.

<sup>1</sup>[This section applies in <sup>2</sup>[Pakistan] also to pensions granted or continued, <sup>3</sup>after the separation of Burma from India, by the Government of Burma.]

**12. Assignments etc., in anticipation of pension, to be void.** All assignments, agreements, orders, sales and securities of every kind made by the person entitled to any pension, pay or allowance mentioned in section 11, in respect of any money not payable at or before the making thereof, on account of any such pension, pay or allowance, or for giving or assigning any future interest therein, are null and void.

**13. Reward to informers.** Whoever proves to the satisfaction of the <sup>4</sup>[appropriate Government] that any pension is fraudulently or unduly received by the person enjoying the benefit thereof shall be entitled to a reward equivalent to the amount of such pension for the period of six months.

**14. Power to make rules.** <sup>1</sup>[In each Province] the Chief Controlling Revenue authority may, with the consent of the <sup>4</sup>[appropriate Government], from time to time make rules consistent with this Act respecting all or any of the following matters :-

- (1) the place and times at which, and the person to whom, any pension shall be paid;
- (2) injuries into the identity of claimants;
- (3) records to be kept on the subject of pensions;
- (4) transmission of such records;
- (5) correction of such records;
- (6) delivery of certificates to pensioners;
- (7) registers of such certificates;
- (8) reference to the Civil Court, under section 6, of persons claiming a right of succession to, or participation in, pensions or grants of money or land-revenue payable by Government;

and generally for the guidance of officers under this Act.

All such rules shall be published in the <sup>5</sup>[official Gazette], and shall thereupon have the force of law.

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*SCHEDULE.-[Rep. by the Repealing Act, 1938 (I of 1938).]*

<sup>1</sup>Ins. by A. O., 1937.

<sup>2</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for" the Provinces and the Capital of the Federation" which was subs., for "British India" by A. O., 1949, Arts. 3(2) and 4.

<sup>3</sup>*I.e.*, on or after the 1st April, 1937.

<sup>4</sup>Subs. by A. O., 1937, for" L. G."

<sup>5</sup>Subs. by A. O., 1937, for" local official Gazette".