

PART III—CONSTITUTION.

အပိုင်း ၃—စွဲစည်းအုပ်ချုပ်ပုံအခြေခံ ဥပဒေဆိုင်ရာ။

A.—EXECUTIVE.

က။ — အုပ်ချုပ်မှု။

THE PENSIONS ACT.

[INDIA ACT XXIII, 1871.] (8th August, 1871.)

I.—PRELIMINARY.

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Interpreta-
tion-section.

3. 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.

II.—RIGHTS TO PENSIONS.

Bar of suits
relating to
pensions.

4 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 British 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.

Claims to be
made to Col-
lector or
other autho-
rized officer.

5. Any person having a claim relating to any such pension or grant may preter such claim to the Collector of the District or Deputy Commissioner or other officer authorized in this behalf by the President of the Union ; 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 President of the Union, from time to time prescribe in this behalf.

Civil Court
empowered
to take cog-
nizance of
such claims.

6. 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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III.—MODE OF PAYMENT.

Payment to
be made by
Collector
or other
authorized
officer.

8. 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. 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.

Saving of rights of grantees of land-revenue.

10 The President of the Union 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.

Commutation of pensions.

IV.—MISCELLANEOUS.

¹ 11. No pension granted or continued by any Government in India or Pakistan or by the Government of the Union of Burma on political considerations, or on account of past services or present infirmities or as a compassionate allowance,

Exemption of pension from attachment

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 the Union of Burma, at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such Court.

12. 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.

Assignments, etc., in anticipation of pension, to be void.

13. Whoever proves to the satisfaction of the President of the Union 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.

Reward to informers.

14. The Chief Controlling Revenue authority may, with the consent of the President of the Union, from time to time make rules consistent with this Act respecting all or any of the following matters :—

Power to make rules.

- (1) the place and times at which, and the person to whom, any pension shall be paid ;
- (2) inquiries 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 Gazette, and shall thereupon have the force of law.

¹ See also s. 60 (g) of the Code of Civil Procedure.