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**THE PENSIONS ACT, 1871****ACT NO. XXIII OF 1871**

[8th August, 1871]

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

Preamble

WHEREAS it is expedient to consolidate and amend the law relating to pensions and grants by the Government of money or land-revenue;

It is hereby enacted as follows:—

**I.—PRELIMINARY**

Short title

1. This Act may be called the Pensions Act, 1871.

Extent of Act

It extends to the whole of Bangladesh.

2. [Repealed by the Repealing Act, 1938.]

Interpretation-section

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

3A. [Omitted by the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973), section 3 and 2nd Schedule].

**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 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.

Claims to be made to Collector or other authorised officer

5. 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 authorised in this behalf by the 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 Government, from time to time prescribe in this behalf.

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\* Throughout this Act, except otherwise provided, the words "Bangladesh" and "Government" were substituted, for the words "Pakistan" and "Central Government" or "the Provincial Government" or "appropriate Government" respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

**6.** A Civil Court, otherwise competent to try the same, shall take cognisance of any such claim upon receiving a certificate from such Collector, Deputy Commissioner or other officer authorised 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 the Government to pay any such pension or grant as aforesaid is affected directly or indirectly.

Civil Court empowered to take cognisance of such claims

**7.** Nothing in sections 4 and 6 applies to—

pensions heretofore granted by the Government in 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.

Pensions for lands held under grants in perpetuity

### III.—MODE OF PAYMENT

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

Payment to be made by Collector or other authorised officer

**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 the 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 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.

Commutation of pensions

### IV.—MISCELLANEOUS

**11.** No pension granted or continued by the Government 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 Bangladesh, at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such Court.

This section applies in Bangladesh also to pensions granted or continued, after the separation of Burma from India, by the Government of Burma.

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

**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.

Reward to  
informers

**13.** Whoever proves to the satisfaction of the 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.

Power to make  
rules

**14.** <sup>1</sup>[The] Chief Controlling Revenue-authority may, with the consent of the 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 the Government;

and generally for the guidance of officers under this Act.

All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

**SCHEDULE.**—*[Repealed by the Repealing Act 1938 (Act No. 1 of 1938).]*

<sup>1</sup> The word “The” was substituted, for the words “In each Province the” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).