



THE PENSIONS ACT, 1871



CONTENTS

SECTIONS:

I.-PRELIMINARY

1. Short title.
2. [Repealed.]
3. Interpretation-section.
- 3 A. Definition.

II.- RIGHTS TO PENSIONS

4. Bar of suits relating to pensions.
5. Claims to be made to Collector or other authorized officer.
6. Civil Court empowered to take cognizance of such claims.
7. Pensions for lands held under grants in perpetuity.

III.- MODE OF PAYMENT

8. Payment to be made by Collector or other authorized officer.
9. Saving of rights of grantees of land-revenue.
10. Commutation of pension.

IV.- MISCELLANEOUS

11. Exemption of pension from attachment.
12. Assignments etc, in anticipation of pension, to be void.
13. Reward to informers.
14. Power to make rules.

SCHEDULE.

THE PENSIONS ACT, 1871

¹Act No. XXIII OF 1871

[8th 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.

¹ 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. ¹[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.

⁴[**3A. Definition.**— The expression "the appropriate Government" means, in relation to ⁵[Federal] pensions, the ⁶[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 ⁷[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 ⁸[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 ⁸[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.

¹Subs. 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.

²The 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).

³The 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).

⁴Section 3A ins. by A.O., 1937.

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

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

⁷Subs. 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".

⁸Subs. by A. O., 1937, for "L. G".