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Pensions Act, 1871

Chapter 4 - Miscellaneous

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, 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 also to pensions granted or continued, after the separation of Burma from India, by the Government of Burma.

Section 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.

Section 12A - Nomination by pensioner to receive moneys outstanding on account of pension

[1][12-A. Nomination by pensioner to receive moneys outstanding on account of pension

Notwithstanding anything contained in section 12 or in any other law for the time being in force--

(a) any person to whom any pension mentioned in section 11 is payable by the Government of India or out of the consolidated fund of India (such person being hereinafter referred to as the pensioner) may nominate any other person (hereinafter referred to as the nominee) in such manner and in such forms as may be prescribed by the Central Government by rules, to receive after the death of the pensioner, all moneys payable to the pensioner on account of such pension at, before or after the date of such nomination and which remain unpaid immediately before the death of the pensioner; and

(b) the nominee shall be entitled, on the death of the pensioner, to receive, to the exclusion of all other persons, all such moneys which have so remained unpaid:

Provided that if the nominee predeceases the pensioner, the nomination shall, so far as it relates to the right conferred upon the said nominee, become void and of no effect:

Provided further that where provision has been duly made in the nomination, in accordance with the rules made by the Central Government, conferring upon some other person the right to receive all such moneys, which have so remained unpaid, in the event of the nominee predeceasing the pensioner, such right shall, upon the decease as aforesaid of the nominee, pass to such other person].

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1. Inserted by Act 20 of 1982, section 3 (w.e.f. 18th May, 1982).

Section 13 - Reward to informers

Whoever proves to the satisfaction of the[1][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.

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1. Substituted by A.O., 1937, for the words "Local Government".

Section 14 - Power to make rules

In each State the Chief Controlling Revenue Authority may, with the consent of the 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) 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 Official Gazette, and shall thereupon have the force of law.

STATE AMENDMENTS

[1]Karnataka

In section 14 of the Principal Act, for the words "Chief Controlling Revenue Authority may with the consent of the appropriate Government" the words "appropriate Government may" shall in substituted[1].

[2]Uttar Pradesh

In section 14 of the Principal Act, for the words "In each State, the Chief Controlling Revenue Government may with the consent of the appropriate Government" the words "the appropriate Government may" shall be substituted[2].

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1. Vide Karnataka Act 23 of 1979.

2. Vide Uttar Pradesh Act 12 of 1922.

Section 15 - Power of Central Government to make rules

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[1][15. Power of Central Government to make rules

The Central Government may, by notification in the Official Gazette, make rules to provide for all or any of the following matters, namely:

(a) the manner and form in which any nomination may be made under section 12-A and the manner and form in which such nomination may be cancelled or varied by another nomination;

(b) the manner in which provision may be made, for the purposes of the second proviso to section 12-A in any such nomination for conferring on some person other than the nominee the right to receive moneys payable to the nominee if such nominee predeceases the pensioner.

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1. Inserted by Act 20 of 1982, section 3 (w.e.f. 18th May, 1982).

Section 16 - Laying of rules

Every rule made by the Central Government under this Act and every rule made under section 14 by a Chief Controlling Revenue Authority with the consent of the Central Government, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule].