

**PRESIDENT'S HOUSE, RANGOON:**  
**THE KACHIN STATE PENSIONS ACT, 1957.**  
**[KACHIN STATE ACT NO. VIII OF 1957.]**

**The 7th October 1957.**

In pursuance of the Constitution the following Act is promulgated:

It is hereby enacted as follows:-

1. (i) This Act shall be called "**The Kachin State Pensions Act, 1957**" and it shall come into force with effect from the 1st October 1948.

(ii) This Act shall be applicable to those persons employed by the Kachin State Government as may be mentioned by the Kachin State Government in the Rules made under this Act.

Saving of rules.

2. All rules in regard to the award and payment of pensions or grants of money or Jand-revenue, and the identification of the persons entitled to receive them, made under any enactment, shall be deemed to have made under this Act so far as they are consistent therewith.

Interpretation 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 Kachin State 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 Authorized 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 authorized in this behalf by the Kachin State Government, and such Collector or other officer shall dispose of such claim in accordance with such rules as the Head of the Kachin State may, from time to time, prescribe.

Civil Court empowered to take cognizance 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 the Collector of a District or Deputy Commissioner or other officer authorized in that behalf by the Kachin State Government 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.

### **III. MODE OF PAYMENT.**

Payment to be made by the Secretary, Kachin State Government.

7. All pensions or grants by Government of money or land-revenue shall be paid by the Secretary, Kachin State Government, subject to such rules as may, from time to time, be prescribed by the Head of the Kachin State.

Saving of rights of grants of land-revenue.

8. Nothing in sections 4 and 7 shall affect the right of 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.

Commutation of pensions.

9. The Head of the Kachin State 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.**

Exemption of Pension from attachment.

10. No pension, pay or allowance granted or continued by Government under this Act 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.

Assignments, etc., in anticipation of pensions to be avoided.

11. All assignments, agreements, orders, sales and securities of every kind made by the person entitled to any pension, pay or allowance mentioned in section 10, 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.

12. Whoever proves to the satisfaction of the Head of the Kachin State 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.

13. The Head of the Kachin State may, 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 Gazette, and shall there-upon have the force of law.

Signed by me in pursuance of the Constitution.

U WIN MAUNG,  
President of the Union of Burma.

RANGOON, the seventh day of October 1957.

By order,  
PA SEIN,  
President's Secretary.  
[No. 86]