

MINUTES OF THE MEETING HELD ON 28.4.2016 AT 3.00 P.M. TO DISCUSS THE ISSUES RELATING TO REPEAL OF PENSIONS ACT, 1871

List of participants is annexed (Annexure).

2. Joint Secretary (Pension) informed that in accordance with the policy of the Government to repeal obsolete Acts, the question of repeal of Pension Act, 1871 has been under consideration for some time past. This Act had to be excluded from the list of the obsolete Acts to be repealed as some of the provisions of the Act provide security to the pensioners against attachment and assignment of pension. Joint Secretary (P) mentioned that the meeting of the Ministries/ Departments dealing with the various types of pension had been called to elicit their views on the proposal to amend the rules regulating various types of pension administered by those Ministries to secure the pension under those rules, to facilitate repealing of the Pensions Act, 1871.

3. Ministry of Environment & Forest, Department of Posts, Ministry of Culture, Ministry of External Affairs, Department of Telecom and Department of Expenditure informed that they were not administering any separate pension rules. Representative of Ministry of Home Affairs expressed apprehension that the protection against attachment by courts, if provided in rules, may not be as effective as that provided in an Act of Parliament. Department of Rural Development stated that the social security pensions administered by them are through executive orders and any provisions for security against attachment by court provided in those orders may not be effective as that will not have any statutory backing. Representative of Ministry Labour/ EPFO informed that although the EPF Act provides for security against attachment, it has no protection against assignment.

4. The representative from Department of Financial Services mentioned that the existing Pension Act is applicable to pensions admissible under a large number of Rules and Acts of Parliament. He specifically mentioned that the pensions of President, Vice President, Ministers and Member of Parliament etc. are regulated by the Acts of Parliament. Similarly, the pensions of Supreme Court/ High Courts Judges, Central Vigilance Commissioners, Central Information Commissioners, Members of UPSC, etc. are also granted pension under the Acts regulating their service conditions. These Acts of Parliament also do not contain provisions securing the pension against attachment, assignment etc. Therefore, if the Pensions Act was to be repealed, then necessary amendments would need to be made in these Acts of Parliament along with the other rules regulating various kinds of

pension like Freedom Fighter Pension etc. being administered by Ministries/ Departments. He, therefore, suggested that instead of amending a large number of Acts and Rules to secure those pensions against attachment/ assignment, the existing Pensions Act, 1871 may be amended to repeal only those provisions in the Act which have since become irrelevant / redundant.

5. Ministry of Home Affairs, Ministry of Labour, Ministry of Rural Development, Ministry of Defence, ~~Ministry of Railways and Department of Personnel & Training~~ endorsed the views of the Department of Financial Services.

6. It was decided that the aforesaid views of the Ministries/ Departments will be placed before the Competent Authority for taking a decision in the matter.