

¹THE PRESIDENT'S PENSION ORDINANCE, 1979

ORDINANCE NO. XVIII OF 1979

[20th March, 1979]**An Ordinance to provide for payment of pension to persons who have held office as President.**

WHEREAS it is expedient to provide for payment of pension and other benefits to persons who have held office as President of Bangladesh;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975 and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. This Ordinance may be called the President's Pension Ordinance, 1979. Short title

2. (1) There shall be payable to a person who, having held the office of President of Bangladesh for a period of not less than six months, has ceased to hold office by reason of resignation or expiration of the term of office ²[a monthly pension, for the remainder of his life, of a sum equal to ³[seventy five per cent] of the salary payable to him *per mensem* before he ceased to hold such office ⁴[subject to a minimum of seven thousand five hundred taka,]] unless he elects under sub-section (2) to receive gratuity in lieu thereof: Pension to ex-President

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন)।

² The letter, words and commas "a monthly pension, for the remainder of his life, of a sum equal to half of the salary payable to him per mensem before he ceased to hold such office" were substituted for the words "a pension of two thousand taka per month for the remainder of his life" by section 2 of the President's Pension (Amendment) Act, 1988 (Act No. VII of 1988).

³ The words "seventy five per cent" were substituted for the word "half" by section 2 of the President's Pension (Amendment) Act, 1995 (Act No. XXIII of 1995).

⁴ The words, letter and comma "subject to a minimum of seven thousand five hundred taka," were inserted by section 2 of the President's Pension (Amendment) Act, 1995 (Act No. XXIII of 1995).

Provided that where any such person receives a monthly pension from the Consolidated Fund for having retired from any service, post or office, he shall be entitled to receive either such pension or the pension payable under this section and shall not be entitled to both ¹]:

Provided further that when any such person elects to receive pension payable under this section, the sum received by him on commutation of his earlier pension shall not be recoverable either by adjustment or otherwise.]

(2) A person entitled to receive pension under sub-section (1) may, within one month from the date on which he becomes so entitled, elect to receive in lieu of such pension a gratuity, and if he so elects, shall be paid as gratuity ²[a sum equal to the amount of pension payable to him for each completed year of the period for which he has held office as President subject to a maximum of eight times of the amount of such pension for one year].

(3) If a person entitled to receive pension under sub-section (1) dies without receiving such pension or without electing for gratuity under sub-section (2), he shall be deemed to have elected for gratuity and the sum due to him as gratuity shall be paid to the person nominated by him in this behalf or, in the absence of such nomination, to his heirs.

(4) If a person while holding office as President dies after having held office for more than ³[six months], there shall be paid to the person nominated by him in this behalf or, in the absence of such nomination, to his heirs, the sum which would have been due to him as gratuity under sub-section (2) had he died after ceasing to hold office.

¹ The colon (:) was substituted for the full-stop (.) and the proviso was added thereafter by section 2 of the President's Pension (Amendment) Act, 1988 (Act No. VII of 1988).

² The words "a sum equal to the amount of pension payable to him for each completed year of the period for which he has held office as President subject to a maximum of eight times of the amount of such pension for one year" were substituted for the words "a sum calculated at the rate of taka twenty-five thousand for each completed year of the period for which he has held office as President subject to a maximum of Taka two lakh" by section 2 of the President's Pension (Amendment) Act, 1988 (Act No. VII of 1988).

³ The words "six months" were substituted for the words "one year" by section 2 of the President's Pension (Amendment) Act, 1988 (Act No. VII of 1988).

¹[(5) If a person entitled to receive pension under sub-section (1) dies after receiving such pension, his widow shall be entitled to a monthly pension, for the remainder of her life, equal to two-thirds of the monthly pension he was entitled to receive at the time of his death.

Explanation.- In this sub-section “widow” includes a “widower”.]

²[3. (1) Subject to any rules made in this behalf, a person entitled to receive pension under this Ordinance shall also be entitled to-

Other benefits

- (a) one personal assistant and one attendant and office expenses, the total annual expenditure of which shall be determined by the Government from time to time;
- (b) medical facilities which are admissible to a Minister;
- (c) the use of Government transport free of charge for attending official functions;
- (d) have one telephone installed at his residence and exemption from payment of charges in respect thereof to the extent to be determined by the Government from time to time;
- (e) a diplomatic passport; and
- (f) stay in any circuit house or rest house owned by the Government without payment of rent during travel within the country.

(2) The facilities in sub-section (1) (b), (e) and (f) shall also be admissible to the spouse of a person who is entitled to them.]

¹ Sub-section (5) was added by section 2 of the President's Pension (Amendment) Act, 1988 (Act No. VII of 1988).

² Section 3 was substituted by section 3 of the President's Pension (Amendment) Act, 1988 (Act No. VII of 1988).

Rights not
admissible in
certain cases

4. Pension and other benefits under this Ordinance shall not be admissible to a person entitled thereto if he-

¹[(a) holds or has held, after he ceased to hold office as President, any office, seat, position or post in respect of which he receives or has received any salary from the Consolidated Fund; or]

(b) is, after he has become so entitled, convicted of an offence involving moral turpitude.

5. [*Pension, etc., to be a charge on Consolidated Fund.- Omitted by section 3 of the President's Pension (Amendment) Act, 1995 (Act No. XXIII of 1995).*]

Power to make
Rules

6. The Government may make rules for carrying out the purposes of this Ordinance.

¹ Clause (a) was substituted by section 4 of the President's Pension (Amendment) Act, 1988 (Act No. VII of 1988).