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Department of Pensions,
Maligawaththa, Colombo 10
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To Secretaries of all Ministries,
Chief Secretaries of Provincial Councils,
Heads of Departments,
District Secretaries/Commanders of Three Armed Forces,
Divisional Secretaries

Online submission of the application for widows'/widowers'/orphans' or disabled pension

With a view to ensure the accuracy as well as the efficiency of the payment process of widows'/widowers'/orphans' pension, new online information management system is now being applied. It is expected by this system to grant benefits to the spouse and the children of the pensioner within the relevant month.

02. Accordingly all the institutions, which have already registered for the utilization of information technology systems of the Department of Pensions, will have the facility to use the new information technology system. Further the instructions for the access and utilization of information technology system are attached in the annex 01.

03. Action should strictly be taken as per the instructions, which are mentioned below, when applications for widows' and Orphans' Pension are referred to the Department of Pension for the activation of widows'/widowers'/orphans' or Disabled pension under new system.

04. Activating the Widows' and Orphans' or Disabled pension for the widow/widowers' orphans and disabled children of the pensioner, who demised whilst receiving pension.

4.1 The payment of widows'/widowers' and orphans' pension to his/ her spouse, orphans and disabled children has been initiated so far by the Widows' and Orphans' Pension Division of the Department of Pensions whenever a pensioner demised and hereinafter it will be implemented on the approval of the respective Divisional Secretary.

4.2 Payment of Widows' and Orphans' Pension to the family members of a demised pensioner should be made as per the provisions of the Widows' and Orphans' Pension Fund Ordinance No 01 of 1898 and Widowers' and Orphans' Pension Act No 24 of 1983 and other Amendment Acts relevant to the same.

4.3 Since the activation of the Widows'/ Widowers' and Orphans' Pension under new system is totally made through the information technology system, the Divisional Secretaries and Assistant Divisional Secretaries, to whom the powers have been vested for the purpose, should register in the information technology system.

- 4.4 Further discretionary powers , which has been vested in the Secretary of the Ministry of Public Administration and the Director General of Pensions under the aforesaid Act, should remain unchanged.
- 4.5 Pension , which is still being paid to the demised pensioner, should be suspended and further it is compulsory to indicate in the data base that the respective pensioner has demised. Then further action should be initiated in relation to the application for new Widows'/Widowers' and Orphans' Pension.
- 4.6 When ever a public officer is sent on retirement from 01.06.2015, the pension award is issued to such officer confirming the entitlement of the officer to the Widows'/Widowers' and Orphans' Pension after making an examination on the aforesaid entitlement. In case where such pension awarding certificate is furnished in making application for Widows'/ Widowers' and Orphans' Pension, the payment of Widows'/Widowers' and Orphans Pension should be initiated based on the above facts. At such instances a confirmation on the particulars of the spouse and children included in the pension awarding certificate should be obtained again by a report from respective Grama Niladhari. .
- 4.7 Since the whole file of Widows'/widowers, and Orphans' Pension and other documents for making the entitlement to Widows'/widowers, and Orphans' Pension, which are relevant to the demised pensioner, have been scanned and released to the network system at the time of issuing pension award, facilities have been made to refer such information. In case, where such pension award has not been issued and where scanned Widows'/widowers, and Orphans' Pension file is not available for reference or where the information in the file are not completed, action should be taken to examine the originals of marriage certificates, birth certificates, widows'/ widowers' and orphans' pension card and national identity card and further to get relevant information confirmed by respective Grama Niladhari.
- 4.8 At every occasion where the Widows'/Widowers' and Orphans' Pension is activated in relation to a demised pensioner, instructions indicated below in section 5,6,7, and 8 should be followed. In every occasion where an issue is arisen in this regard in addition to the above, action should be taken to call a clarification by way of reporting relevant matters to the Widows' /Widowers' and Orphans' Pension Division of the Department of Pensions.

05. Making the legal spouse of a pensioner, who demised whilst receiving the pension, entitlement to Widows/Widowers' and Orphans' Pension.

- 5.1 Only the legal spouse of the demised pensioner is entitled to the Widows/Widowers' and Orphans' Pension. When the pensioner has entered into several marriages, only the spouse of the first legal marriage is entitled to the Widows/Widowers' Pension. In case

where the pensioner has entered into a second marriage after obtaining divorce from the first marriage, the second marriage is treated as legal marriage only if the second marriage has been made after the declaration of Order Absolute.

5.2 The spouse or children of a pensioner who has entered into a second marriage after the retirement (up to the age of 55 years), are not entitled to a Widows/Widowers' and Orphans' Pension except the occasion where the pensioner has retired under section 2 and 7 of the Pensions Minute.

5.3 When the contributor has entered into a second legal marriage, the children of the previous marriage, if any, and the spouse of the second legal marriage should be granted entitlement equally to the pension .

06. Payment of Widows'/ Widowers' and Orphans' Pension, when the widow/ widower enters in to another marriage.

6.1 When a spouse entitled to a Widows'/ Widowers' Pension enters into another marriage, only the 50% from the pension, to which he/she is entitled, should be paid..

6.2 In case where a widow or widower enters in to another marriage and there are orphans of the first marriage, action should be initiated to commence the payment of Widows' and Orphans' Pension as per 6.1 mentioned above strictly at the expiry of the entitlement of such orphans.

07. Activating the Orphans' Pension

7.1 Only the children of the legal marriage of the demised male or female contributor are entitled to the Orphans' Pension.

7.2 When several children are entitled to the pension, it should be divided equally among such children.

7.3 When the Orphans' Pension is paid to the children below 18 years of age, ,

- i. A guardian should be appointed for the utilization of the money in order to ensure the interest of children.
- ii. Prior approval should be obtained from the Director General of Pensions for the appointment of a guardian.
- iii. A savings account should be opened at a bank in favour of the child and the approval of the Director General of Pension should be obtained for the amount to be deposited in the account. .
- iv. When the child reaches the age of 18 years, action should be taken immediately to remove the guardianship.

- 7.4 In case where any problematic situation or any case regarding ill-treatment suffered by the children either from the part of widow or widower receiving the pension or the guardian, further instructions should be obtained from the Director General of Pension reporting such issues to him.
- 7.5 Orphans' Pension should be made inactive on the date of completion of the age of 26 years or engagement in an employment, whichever occurs first. Therefore special attention should be paid regarding the accuracy of the particulars including the date of birth, which are fed to the system.

08. **Payment of Orphans' Pension to Orphans**

- 8.1 When the pension is paid for Orphans, further action should be taken obtaining the prior approval of the Director General of Pensions by way of referring relevant requests to the Director General of Pensions as per the Gazette Notification No 1719 dated 15.08.2011 and instructions given in Pension Circular No 01/2009

09. **Awarding Widows' & Orphans' pension to a public officer, who is entitled to the widows'/ widowers' and orphans' pension and demises whilst in service.**

- 9.1 When a public officer with the entitlement to widows'/ Widowers' and Orphans' Pensions Scheme demises whilst in service, the institution, where the respective officer served, should perfect and submit applications in relation to the payment of the benefits of widows'/ Widowers' and Orphans' Pensions Scheme to the family members of such officer.
- 9.2 When an officer has demised within a year or less than one year after the marriage, the requests for entitlement to widows'/ Widowers' and Orphans' Pensions Scheme should be submitted to Director General of Pensions for the prior approval since the Director General of Pensions retains power for granting such pension.
- 9.3 The printed copy of the application, which is perfected through new online system, should be certified and then it should be sent by post to the Department of Pensions along with other required documents. Accordingly the activation of Widows'/ Widowers' and Orphans' Pension will be made by the Widows' and Orphans' Division of the Department of Pensions.

10. **At such occasions, where it is required to obtain prior approval of the Director General of Pensions under section 7.3, 7.4, 8.1 and 9.2 mentioned above, the application should be uploaded in online system after obtaining the aforesaid approval.**

11. In terms of the provisions of this circular, new online process for the activation of widows'/ widowers' and orphans' pension will be effective from 15.03.2020. Therefore PD4 applications should not be submitted to the Department of Pensions through the old system after aforesaid date and action will be taken to return PD4 applications, which are sent in that manner.
12. These regulations will be effective also for the purpose of Widows' and Orphans' (Armed Forces) No 18 of 1970, series of regulations imposed as per the above and revisions made to the same and Widowers' and Orphans (Armed Forces) Act No 60 of 1998 and revisions made to the same..
13. In terms of the vesting of powers as per 4.1 above, the Divisional Secretariat should take necessary action and file relevant particulars along with the pension file enabling the use of them in auditing.

Sgd:

A. Jagath D. Dias

Director General of Pensions

Copies: 1. Secretary to H.E. the President	- For information
2. Secretary to Hon. Prime Minister	- For information
3. Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government	- For information
4. Secretary, Ministry of Finance, Economic and Policy Development	- For information
5. Auditor General	- For necessary action