



**PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA**

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**WIDOWERS' AND ORPHANS' PENSION  
SCHEME (ARMED FORCES) (AMENDMENT)  
ACT, No. 28 OF 2009**

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**[Certified on 18th May, 2009]**

*Printed on the Order of Government*

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*Widowers' and Orphans' Pension Scheme*  
*(Armed Forces) (Amendment) Act, No. 28 of 2009*

[Certified on 18th May, 2009]

L. D. — O. 56/2007

AN ACT TO AMEND THE WIDOWERS' AND ORPHANS' PENSION SCHEME  
(ARMED FORCES) ACT, NO. 60 OF 1998

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Widowers' and Orphans' Pension Scheme (Armed Forces) (Amendment) Act, No. 28 of 2009. Short title.

2. The Widowers' and Orphans' Pension Scheme (Armed Forces) Act, No. 60 of 1998 (hereinafter referred to as the "principal enactment" is hereby amended by the insertion immediately after section 4 thereof, of the following new section:— Insertion of new section 4A in Act, No. 60 of 1998.

"Meaning of a "member of the Armed Forces" for the purpose of sections 3 and 4. 4A. For the purposes of sections 3 and 4 of this Act, "a member of the Armed Forces" means any person—

- (a) who, being a female, is an officer or soldier of the Regular Force of the Sri Lanka Army; or
- (b) who, being a female, is an officer or seaman of the Regular Naval Force of the Royal Ceylon Navy or the Sri Lanka Navy, as the case may be; or
- (c) who being a female, is an officer or airman of the Regular Air Force of the Royal Ceylon Air Force or the Sri Lanka Air Force, as the case may be."

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Insertion of  
new sections  
4B, 4C, 4D, 4E  
and 4F in the  
principal  
enactment.

**3.** The following new sections are hereby inserted immediately after section 4A of the principal enactment and shall have effect as sections 4B, 4C, 4D, 4E and 4F of that enactment:—

“Extension  
of the  
Pension  
Scheme to  
the Members  
of the  
Regular,  
Reserve,  
Volunteer  
Force or  
Volunteer  
Reserve of  
the Armed  
Forces.

4B. (1) Any person who has become a member of the Volunteer Force of the Armed Forces and had retired with pension benefits on a date prior to the coming into operations of this section, or who continues to be in such force on such date as such member may, on making an application in that behalf before such date as the Minister may appoint by Order published in the *Gazette*, elect to be a contributor to the Pension Scheme.

(2) Any person who after being retired or discharged from the Regular Force or Volunteer Force as the case may be, of the Armed Forces, has been transferred to the Regular Reserve Force or Volunteer Reserve Force, as the case may be of the Armed Forces, before the date on which the provisions of this section comes into operation and who has been retired with pension benefits or who continues to be in such Reserve as such member on such date, may by making an application before such date as the Minister may appoint by Order published in the *Gazette*, elect to be a contributor to the Pension Scheme.

(3) Notwithstanding the provisions of subsections (1) and (2), where a member specified in the said subsections dies before the prescribed date without making an election under either subsection (1) or subsection (2), she shall, if she leaves a husband or child or a husband and a child or a husband and children, be deemed to have elected to be a contributor to the Pension Scheme.

(4) Any person who elects to become a contributor or in the case of persons who are deemed to have elected to become contributors of the Pension Scheme the person administering the affairs of such deceased person, shall pay to the Pension Scheme, all arrears of contributions for the period commencing from the date of enlistment of such person into the respective Armed Force, until the date of election, retirement or death as the case may be, with interest thereon at the rate of four *per centum per annum*.

(5) An election made under the provisions of subsections (1) or (2) above shall be final.

A person who becomes a member of the Armed Forces after coming into operation of this section, to be a contributor.

4c. Any person who becomes a member of the Regular Reserve, Volunteer Force or Volunteer Reserve of Armed Forces on or after the date on which the provisions of this section comes into operation, shall be a contributor to the Pension Scheme from and after such date.

Entitlement to pension Schemes other than the Pension Scheme under the Act.

4D. Where a member of the Armed Forces has been employed in any position in the public service either before joining the Armed Forces or after leaving the Armed Forces and she is in addition to her pension as a member of the Armed Forces, entitled to a pension by virtue of such employment, her widower and orphans shall in the event of her death be entitled to receive as pension, either—

- (a) such amount as shall not exceed the aggregate pensions she would have received, had she served the full period of service with the Armed Forces; or

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               *(Armed Forces) (Amendment) Act, No. 28 of 2009*

- (b) such amount as shall not exceed the aggregate pensions she would have received, had she served the full period of service in the public service.

Extension of the Pension Scheme to the members of the Armed Forces who become disabled due to injuries sustained whilst performing operational duties.

- 4E. (1) (a) any female officer or female soldier of the Regular Force, Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of the Sri Lanka Army; or
- (b) any female officer or female seaman of the Regular Force, Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of the Sri Lanka Navy; or
- (c) any female officer or female airman of the Regular Force, Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of the Sri Lanka Air Force,

who becomes disabled due to injuries sustained whilst performing operational duties or any other law enforcement duties or as a result of terrorist activities and who is determined to be unfit for military service by the Medical Board of the Sri Lanka Army, Sri Lanka Navy, or Sri Lanka Air Force as the case may be, and who is in receipt of a pay and allowance till she reaches fifty five years of age, may, by making an application in that behalf before such date as the Minister may appoint by Order published in the *Gazette*, elect to be a contributor to the Pension Scheme.

(2) Where a person referred to in subsection (1), dies before the prescribed date without making an election under that subsection, she shall, if she leaves a spouse or a child or a spouse and child or a spouse and children, be deemed to have elected to be a contributor to the Pension Scheme.

(3) The provisions of subsections (4) and (5) of section 4B shall *mutatis mutandis* apply to a person referred to in this section.

Interpretation. 4F. For the purpose of sections 4B, 4C and 4D “a member of the Regular Reserve, Volunteer Force or Volunteer Reserve of the Armed Forces” shall—

- (a) in relation to the Sri Lanka Army, be deemed to be, a female officer or female soldier as the case may be, of the Regular Force under subsection (3) of section 3 of the Army Act; or
- (b) in relation to the Sri Lanka Navy, be deemed to be, a female officer or a female seaman as the case may be, of the Regular Naval Force under subsection (3) of section 3 of the Navy Act; or
- (c) in relation to the Sri Lanka Air Force, be deemed to be a female officer or female airman as the case may be of the Regular Air force under subsection (3) of section 3 of the Air Force Act.”.

4. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text  
to prevail in  
case of  
inconsistency.

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