



The Kerala Payment of Pension to Members of Legislature (Amendment) Act,
1982

Act 46 of 1976

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THE KERALA PAYMENT OF PENSION TO MEMBERS OF LEGISLATURE ACT, 1976

Act No. 46 of 1976]

(Received the assent of the Governor on the 28th day of November, 1976 and pub. in K.G. Ex. No. 685 dated 1-12-1976)

PREAMBLE

An Act to provide for the payment of pension to persons who have been Members of the Legislature
WHEREAS it is expedient to provide for the payment of pension to persons who have been Members of the Legislature;

Be it enacted in the Twenty-seventh Year of the Republic of India as follows.--

Section 1 - Short title and commencement

(1) This Act may be called the Kerala Payment of pension to members of Legislature Act, 1976.

(2) It shall come into force at once.

Section 2 - Pension of Members of Legislature

(Substituted by Acts 3 of 1982, 7 of 1987 and 12/1994.) [(1) There shall be paid a pension per mensem at the rate specified in the Schedule to every person who has served as-]

(i) a member of the Kerala Legislative Assembly; or

(ii) a member of the Legislative Assembly of the former State of Travancore or Travancore-Cochin or Madras, representing any territory which after the 1st day of November, 1956, forms part of the State of Kerala or a member of the Legislative Council or the Legislative Assembly of the former State of Cochin; or

(iii) a member of the Legislative Council of the former State of Madras and who during the period of such membership was a permanent resident in the Malabar district referred to in sub-section (2) of section 5 of the State Reorganisation Act, 1956 (Central Act 37 of 1956); or

(iv) partly as a member referred to in any of the preceding clauses and partly as a member referred to in any one or more of the other preceding clauses:

(Proviso substituted by Acts 7/1987 and 12/1994 and subsequently Omitted by Act 8/1997) [xxxx]

Explanation."

For the purposes of this section, a person shall be deemed to have served as a member of a Legislative Assembly during the period when that Legislative Assembly remains suspended under Article 356 of the Constitution of India.

(Inserted by Act 3 of 1982.) [(1A) Where a member dies, his or her spouse shall, if such member would have been entitled to pension under sub-section (1) if he or she had ceased to be a member on the date of his or her death, be entitled to the same amount of pension as such member would have been entitled to if he or she had ceased to be a member on that date.

(1B) Where a person entitled to pension under sub-section (1) dies his or her spouse shall be entitled to the same amount of pension as would have been payable to such person if he or she had not died.

(1C) Where a person who would have been entitled to pension under subsection (1) if he or she were alive at the commencement of (Substituted by Act 12/1994.) [the Kerala Payment of Pension to Members of

Legislature (Amendment) Act, 1994] (hereinafter referred to as the Amendment Act) has died before such commencement, the spouse of such person shall, with effect from the commencement of the Amendment Act, be entitled to the same pension as such person would have been entitled to under this Act, as amended by the Amendment Act, if this Act as so amended were in force on the date of his or her death],

(Inserted by *ibid.*) [1CC) The spouses referred to in sub-section (1A), (1B) and (1C) shall notwithstanding anything contained in those sub-sections be eligible for the enhanced rates of pension paid to the persons referred to in sub-section (1), from lime to time.]

(Inserted by Act 34/1989.) [(1D) Notwithstanding anything contained in this Act, a person entitled to pension under sub-section (1) shall also be entitled to receive the full amount of pension payable to him or her as spouse under sub-section (1A) or sub-section (1B) or sub-section (1C).]

(2) Where any person entitled to pension under sub-section (1),-

(i) is elected to the office of the President or Vice-President of India or is appointed to the Office of the Governor of any State or the Administrator of any Union Territory; or

(ii) becomes a member of the Council of States or the House of the People or the Legislative Assembly of any State or Union Territory or the Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966; or

(iii) is employed on a salary under the Government of India or any State Government or any corporation owned or controlled by the Government of India or any State Government, or any local authority or becomes otherwise entitled to any remuneration from such Government, corporation or local authority, such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold such office or as such member, or is so employed, or continues to be entitled to such remuneration:

Provided that where the salary payable to such person for holding such office or being such member (Inserted by Act 8/1997.) [other than a member of the Kerala Legislative Assembly] or so employed, or where the remuneration referred to in clause (iii) payable to such person, is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled to receive only the difference as pension under that sub-section.

Explanation."(Omitted by *ibid.*) [xxx]

(3) Where any person entitled to pension under sub-section (1) is also entitled to any pension from the Government of India (Omitted by Act 25/1991.) [xxx] or any corporation owned or controlled by the Government of India (Omitted by Act 25/1991.) [xxx] under any law or otherwise, then,-

(a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section.

(Added by *ibid.*) [(4)Where any person entitled to pension under sub-section (1) is also entitled to any other pension under any law made by the State or otherwise from the State Government or any Corporation owned or controlled by the State Government or any authority, such person shall be entitled to receive the pension under sub-section (1) in addition to such other pension.]

[Explanation.--For the purposes of (Substituted by Act 25/1991.) [sub-sections (3) and (4)] pension granted by the Government of India under the Freedom Fighters, Pension Scheme, 1972 or by the Government of Kerala under the Kerala Freedom Fighters, Pension Rules or by any other State Government under a scheme for payment of pension to freedom fighters, shall not be deemed to be pension from the Government of India or, as the case may be, any State Government].

Section 2A - Medical facilities to ex-members

(Inserted by Act 3/1982.) [Any person who has served as a member referred to in clause (i) or clause (ii) or clause (iii) (Substituted by Act 12/1994.) [of sub-section (1) of section 2 and the spouse of such person] shall, subject to such rules as may be made by the Government in this behalf, be entitled to medical treatment and medical attendance and to all other benefits in connection therewith to the same extent

(Substituted by Act 6/1987.) [as a Class I Officer/Grade I Officer of the All India Services is entitled to from time to time].

Explanation.--For the removal of doubts, it is hereby clarified that no member of the (Substituted by Act 12/1994.) [family of a person other than his or her spouse] to whom this section applies shall be entitled to any benefit under this section].

Section 3 - Power to make rules

(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

- (a) the form in which and the authority to which application for pension shall be made;
- (b) the certificates to be furnished along with an application for pension;
- (c) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Schedule - Schedule

(Schedule added by Act 12/1994 and subsequently substituted by Acts 8/1997, 15/2000 and 14/2003.)

[Schedule

(See Section 2(1))

Rate of Pension

Period	Rate of pension per mensem (Rs.)
For any period below two years	2,500
For two years in the aggregate	3,000
For three years in the aggregate	3,500
For four years in the aggregate	4,000
For five years in the aggregate	4,500

Provided that where any person has served as a member as stated in sub-s. (1) of S. 2 for a period

exceeding five years, there shall be paid to him as additional pension of five hundred rupees per mensem for every year in excess of five years:

Provided further that in calculating the net qualifying period for pension, fraction of half year and above shall be rounded to the next completed year:

Provided also that the maximum pension to which a member is eligible under this Act shall not, in the aggregate, exceed rupees twelve thousand and five hundred per mensem.]

**THE KERALA PAYMENT OF PENSION TO MEMBERS
OF LEGISLATURE (AMENDMENT) ACT, 1982^[1]**

(ACT 3 OF 1982)

An Act to amend the Kerala Payment of Pension to Members of Legislature Act, 1976.

Preamble: -WHEREAS it is expedient to amend the Kerala Payment of Pension to Members of Legislature Act, 1976, for the purposes hereinafter appearing;

BE it enacted in the thirty-third Year of the Republic of India as follows: -

1. *Short and commencement.* -(1) This Act may be called the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1982.

(2) It shall come into force at once.

2. *Amendment of section 2.* -In section 2 of the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1976 (46 of 1976) (hereinafter referred to as principal Act), -

(a) in sub-section (1), -

(i) for the opening paragraph, the following shall be substituted, namely: -

“There shall be paid a pension of two hundred rupees per mensem to every person who has served for a period of two years in the aggregate as”;

(ii) in the proviso, -

- for the word “five”, in both the places where it occurs, the word “two” shall be substituted;

- for the words “four hundred and fifty rupees” the words “five hundred rupees” shall be substituted;

(b) after sub-section (1), the following sub-sections shall be inserted, namely: -

“(1A) Where a member dies, his or her spouse shall, if such member would have been entitled to pension under sub-section (1) if he or she had ceased to be a member on the date of his or her death, be entitled to the same amount of pension as such member would have been entitled to if he or she had ceased to be a member on that date.

(1B) Where a person entitled to pension under sub-section (1) dies, his or her spouse shall be entitled to the same amount of pension as would have been payable to such person if he or she had not died.

(1C) Where a person who would have been entitled to pension under sub-section (1) if he or she were alive at the commencement of Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1982 (hereinafter referred to as the Amendment Act) has died before such commencement, the spouse of such person shall, with effect from the commencement of the Amendment Act, be entitled to the same pension as such person would have been entitled to under this Act, as amended by the Amendment Act, if this Act as so amended were in force on the date of his or her death.”.

(c) to sub-section (3), the following *Explanation* shall be added, namely: -

“ *Explanation.* -For the purposes of this section, pension granted by the Government of India under the Freedom Fighters, Pension Scheme, 1972 or by the Government of Kerala under the Kerala Freedom Fighters, Pension Rules or by any other State Government under a scheme for payment of pension to freedom fighters, shall not be deemed to be pension from the Government of India or, as the case may be, any State Government.”.

3. *Insertion of new section 2A* . -After section 2 of the principal Act, the following section shall be inserted, namely: -

“2A. *Medical facilities to ex-members* . -Any person who has served as a member referred to in clause (i) or clause (ii) or clause (iii) of sub-section (1) of section 2 shall, subject to such rules as may be made by the Government in this behalf, be entitled to medical treatment and medical attendance and to all other benefits in connection therewith to the same extent as a member of the Kerala Legislative Assembly is entitled to under the payment of Salaries and Allowances Act, 1951 (XIV of 1951).

Explanation. -For the removal of doubts, it is hereby clarified that no member of the family of a person to whom this section applies shall be entitled to any benefit under this section.”

**THE KERALA PAYMENT OF PENSION TO
MEMBERS OF LEGISLATURE (AMENDMENT) ACT, 1986^[1]**

(ACT 6 OF 1987)

An Act further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976.

Preamble. —WHEREAS it is expedient further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976, for the purpose hereinafter appearing;

BE it enacted in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.* —(1) This Act may be called the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1986.

(2) It shall come into force at once.

2. *Amendment of section 2A.* — In section 2A of the Kerala Payment of Pension to Members of Legislature Act, 1976 (46 of 1976), for the words, figures and brackets “as a member of the Kerala Legislative Assembly is entitled to under the Payment of Salaries and Allowances Act, 1951 (XIV of 1951)”, the words and figures "as a Class I Officer/Grade I Officer of the All India Services is entitled to from time to time" shall be substituted.

**THE KERALA PAYMENT OF PENSION TO MEMBERS
OF LEGISLATURE (SECOND AMENDMENT) ACT, 1986 [\[1\]](#)**

(ACT 7 OF 1987)

An Act further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976.

Preamble. —WHEREAS it is expedient further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976 for the purposes hereinafter appearing;

BE it enacted in the Thirty-seventh Year of the Republic of India as follows: —

1. *Short title and commencement.*— (1) This Act may be called the Kerala Payment of Pension to Members of Legislature (Second Amendment) Act, 1986.

(2) It shall come into force at once.

2. *Amendment of section 2.*—In the Kerala Payment of Pension to Members of Legislature Act, 1976 (46 of 1976), in sub-section (1) of section 2,—

(i) for the words "two hundred rupees", the words "three hundred rupees" shall be substituted ;

(ii) in the proviso, after the words "in excess of two,", the word "years." shall be added and the word "so, however, that in no case the pension payable to such person shall exceed five-hundred rupees per mensem" shall be deleted.

**THE KERALA PAYMENT OF PENSION TO MEMBERS OF
LEGISLATURE (AMENDMENT) ACT, 1989 [\[1\]](#)**

(ACT 34 OF 1989)

An Act further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976.

Preamble.— WHEREAS it is expedient further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976 for the purposes hereinafter appearing;

BE it enacted in the Fortieth Year of Republic of India as follows: —

1. *Short title and commencement.*— (1) This Act may be called the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1989.

(2) Clause (i) of section 2 shall come into force at once and clause (ii) thereof shall be deemed to have come into force on the 15 th day of January, 1987.

2. *Amendment of section 2.*— In section 2 of the Kerala Payment of Pension to Members of Legislature Act, 1976 (Act 46 of 1976), —

(i) after sub-section (1C) the following sub-section shall be inserted, namely: —

“(1D) Notwithstanding anything contained in this Act, a person entitled to pension under sub-section (1) shall also be entitled to receive the full amount of pension payable to him or her as spouse under sub-section (1A) or sub-section (1B) or sub-section (1C).”;

(ii) in the *Explanation* to the proviso to sub-section (2), for the words, brackets and letters “clauses (a) and (aa)”, the word, brackets and letter “clause (a)” shall be substituted.

**THE KERALA PAYMENT OF PENSION TO MEMBERS OF
LEGISLATURE (AMENDMENT) ACT, 1991 [\[1\]](#)**

(ACT 25 OF 1991)

*An Act further to amend the Kerala Payment of Pension to Members of
Legislature Act, 1976.*

Preamble .—WHEREAS it is expedient further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976 for the purposes hereinafter appearing;

BE it enacted in the Forty-second Year of the Republic of India as follows:—

1• *Short title and commencement* .—(1) This Act may be called the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 1st day of October, 1991.

2• *Amendment of section 2* .—In the Kerala Payment of Pension to Members of Legislature Act, 1976 (46 of 1976),—in section 2,—

- in sub-section (1),—
- in the opening paragraph for the words "three hundred rupees", the words "four hundred rupees" shall be substituted;
- in the proviso for the words "fifty rupees", the words "one hundred rupees" and for the words "every year" the words "every year or part thereof exceeding six months" shall be substituted.

(b) in sub-section (3),—

(i) in the opening paragraph, the words "or any State Government" in both the places where they occur and the words "or any local authority" shall be omitted.

(ii) in the Explanation, for the words "this sub-section", the words, figures and brackets "sub-sections (3) and (4)" shall be substituted.

(c) After sub-section (3) the following sub-section shall be added, namely:—

"(4) Where any person entitled to pension under sub-section (1), is also entitled to any other pension under any law made by the State or otherwise from the State Government or any Corporation owned or controlled by the State Government or any authority, such person shall be entitled to receive the pension under sub-section (1) in addition to such other pension."

THE KERALA PAYMENT OF PENSION TO MEMBERS OF
LEGISLATURE (AMENDMENT) ACT, 1994 [\[1\]](#)

(ACT 12 OF 1994)

An Act further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976.

Preamble. — WHEREAS it is expedient further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976 for the purposes hereinafter appearing;

BE it enacted in the Forty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1994.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In the Kerala Payment of Pension to Members of Legislature Act, 1976 (46 of 1976) (hereinafter referred to as the principal Act) in section 2,—

(1) in sub-section (1),—

(i) for the opening paragraph the following shall be substituted, namely:—

"(1) There shall be paid a pension per mensem at the rate specified in the Schedule to every person who has served as —";

(ii) for the proviso, the following shall be substituted, namely:—

"Provided that any person referred to in clause (i), (ii) and (iii) may give in writing to the Speaker, stating that he would not accept any pension or would accept only a part of the pension and thereupon the Speaker shall issue such instructions to the Legislature Secretariat, as desired by such person."

(2) in sub-section (1C), for the words, figures and brackets "the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1982", the words, figures and brackets "the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1994" shall be substituted;

(3) after sub-section (1C), the following sub-section shall be inserted, namely:—

"(1CC) The spouses referred to in sub-section (1A), (1B) and (1C) shall notwithstanding anything contained in those sub-sections be eligible for the enhanced rates of pension paid to the persons referred to in sub-section (1), from time to time".

3. In section 2A of the principal Act,—

(i) for the words, figures and brackets "of sub-section (1) of section 2" the words, figures and brackets" of sub-section (1) of section 2 and the spouse of such person" shall be substituted;

(ii) in the Explanation, for the words "family of a person" the words "family of a person other than his or her spouse" shall be substituted.

4. After section 3 of the principal Act, the following Schedule shall be added, namely:—

"SCHEDULE"

(See section 2 (1))

Rate of Pension

<i>Period</i>	<i>Rate of Pension per mensem</i>
	<i>Rs.</i>
For any period below two years	500
For two years in the aggregate	750
For three years in the aggregate	1100
For four years in the aggregate	1400
For five years in the aggregate	1400

Provided that where any person has served as member as stated in sub-section (1) of section 2 for a period exceeding five years there shall be paid to him an additional pension of two hundred and fifty rupees per mensem for every year or part thereof exceeding six months in excess of five years."

**THE KERALA PAYMENT OF PENSION TO MEMBERS OF LEGISLATURE
(AMENDMENT) ACT, 2000 [\[1\]](#)**

(Act 15 Of 2000)

An Act further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976 .

Preamble .— whereas it is expedient further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976, for the purposes hereinafter appearing;

be it enacted in the Fifty-first Year of the Republic of India follows :—

1. *Short title and commencement .—*(1) This Act may be called the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 2000.

(2) It shall come into force at once.

2. *Substitution of the Schedule .—*In the Kerala Payment of Pension to Members of Legislature Act, 1976 (46 of 1976), for the Schedule the following Schedule shall be substituted, namely:—

"schedule

[See section 2(1) } **Rate of Pension**

Period Rate of pension per mensem

For any period below two years Rs. 2,000

For two years in the aggregate Rs. 2,400

For three years in the aggregate Rs. 2,800

For four years in the aggregate Rs. 3,200

For five years in the aggregate Rs. 3,600

Provided that where any person has served as member as stated in sub-section (1) of section 2 for a period exceeding five years there shall be paid to him an additional pension of four hundred rupees per mensem for every year in excess of five years:

Provided further that in calculating the net qualifying period for pension fraction of half year and above shall be rounded to the next completed year:

Provided also that the maximum pension to which a member is eligible under this Act, shall not, in the aggregate, exceed rupees seven thousand and five hundred per mensem."

ACT 14 OF 2003

THE KERALA PAYMENT OF PENSION TO MEMBERS OF
LEGISLATURE (AMENDMENT) ACT, 2003 [\[1\]](#)

An Act further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976.

Preamble.--WHEREAS it is expedient further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976, for the purposes hereinafter appearing;

BE it enacted in the Fifty-fourth Year of the Republic of India as follows:-

1. *Short title and commencement.*--(1) This Act may be called the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 2003.

(2) It shall be deemed to have come into force on the 1st day of July, 2003.

2. *Substitution of the Schedule.*--In the Kerala Payment of Pension to Members of Legislature Act, 1976 (46 of 1976), for the Schedule, the following Schedule shall be substituted, namely:-

"SCHEDULE

[See section 2 (1)]

Rate of Pension

Period

Rate of pension per mensem

(Rs)

For any period below two years

Rs.2,500

For two years in the aggregate	Rs.3,000
For three years in the aggregate	Rs.3,500
For four years in the aggregate	Rs.4,000
For five years in the aggregate	Rs.4,500

Provided that where any person has served as a member as stated in sub-section (1) of section 2 for a period exceeding five years, there shall be paid to him an additional pension of five hundred rupees per mensem for every year in excess of five years:

Provided further that in calculating the net qualifying period for pension, fraction of half year and above shall be rounded to the next completed year:

Provided also that the maximum pension to which a member is eligible under this Act shall not, in the aggregate, exceed rupees twelve thousand and five hundred per mensem."

THE KERALA PAYMENT OF PENSION TO MEMBERS OF
LEGISLATURE (AMENDMENT) ACT, 2005 [\[1\]](#)

(ACT 44 OF 2005)

An Act further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976.

Preamble.- WHEREAS, it is expedient further to amend the Kerala Payment of Pension to Members of Legislature Act, 1976 for the purposes hereinafter appearing;

BE it enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. *Short title and commencement.-* (1) This Act may be called the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 2005.

(2) It shall come into force at once

2. *Amendment of section 2.-* In the Kerala Payment of Pension to Members of Legislature Act, 1976 (46 of 1976) (hereinafter referred to as the principal Act), in section 2,-

(1) after sub-section (ICC), the following sub-section shall be inserted,namely:-

“(ICCC) the spouses referred to in sub-sections (1A), (1B) and (1C) shall not be eligible for pension from the date on which he or she remarries.”;

(2) after sub-section (ID), the following sub-section shall be inserted, namely:-

“(IE) Where the spouse referred to in sub-sections (1A), (1B) and (1C) dies, the minor son or the unmarried daughter or both, as the case may be, of the member shall be entitled to a family pension from the date of death of the spouse at the same rate as would have been payable to the spouse, if he or she had not died, subject to the following conditions namely:-

(i) In the case of minor son, until he attains the age of twenty-five years;

(ii) In the case of unmarried daughter, until she attains the age of twenty-five years or she gets married whichever is earlier;

(iii) If there are two persons entitled to family pension, then the amount of family pension shall be paid to them equally and if there are more than two eligible persons, the amount of family pension shall be paid to them proportionately.”;

(3) for sub-section (3), the following sub-section shall be substituted, namely:-

“(3) Where any person entitled to pension under sub-section (1) is also entitled to any other pension from the Government of India or any Corporation owned or controlled by the Government of India or any authority, under any law or otherwise such person shall be entitled to receive the pension under sub-section (1) in addition to such other pension.”.

3. *Amendment of the Schedule.*- In the principal Act, in the third proviso to the Schedule, for the words “rupees twelve thousand and five hundred” the words “rupees seventeen thousand and five hundred” shall be substituted.

ACT 26 OF 2008

THE KERALA PAYMENT OF PENSION TO MEMBERS OF LEGISLATURE (AMENDMENT) ACT, 2008

An Act further to amend the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1976.

Preamble.- WHEREAS, it is expedient further to amend the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1976 for the purposes hereinafter appearing;

BE it enacted in the Fifty-ninth Year of the Republic of India as follows:-

1. *Short title and commencement.*- (1) This Act may be called the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 2008.

(2) Save as otherwise provided in this Act, it shall come into force at once.

2. *Amendment of section 2.*- In section 2 of the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1976 (46 of 1976) (hereinafter referred to as the principal Act)-

(1) in sub-section (1E),-

- (a) in the opening paragraph, for the words "the minor son or the unmarried daughter or both", the words "the minor son or the unmarried daughter or the mentally retarded son or daughter or all of them together" shall be substituted;
- (b) in clause (i), after the words "twenty-five years", the words "or he starts earning his livelihood, whichever is earlier" shall be inserted;
- (c) in clause (ii), after the words "she gets married", the words "or she starts earning her livelihood" shall be inserted;
- (d) after clause (ii), the following clause shall be inserted, namely:-
 - "(iia) in the case of mentally retarded son or daughter, without considering age."

(2) after sub-section (3), the following Note shall be inserted, namely:-

Note: This sub-section shall be deemed to have come into force on the 14th day of May, 1996."

3. *Insertion of new section 2B.*- In the principal Act, after section 2A, the following section shall be inserted, namely:-

“2B. *Free Transit Coupons for ex-Members of the Legislative Assembly.*-
(1) Subject to such rules as may be made in this behalf, any person, who has served as a member referred to in clause (i) or clause (ii) or clause (iii) of sub-section (1) of section 2 shall, at the option of such ex-Member, be provided with all or any of the following free transit coupons of an aggregate value of twelve thousand rupees for a period of twelve calendar months, namely:-

- (i) rail travel coupons for travel by such ex-member by rail; and
- (ii) fuel coupons for the purchase of fuel for the travel of such ex-member in a private vehicle:

Provided that it shall be lawful for the Government to enhance, by order, from time to time, the aforesaid amount of free transit coupons proportionate to the periodical increase in rail charges made by the Central Government.

(2) Subject to such rules as may be made in this behalf every ex-member shall be entitled to utilise such rail travel coupons for the travel by such ex-member and his or her spouse and one companion in any class by any railway in India.”.

4. *Amendment of the Schedule.*- In the principal Act, for the Schedule, the following Schedule shall be substituted, namely:-

“SCHEDULE

[See section 2 (1)]

Rate of Pension

<i>Period</i>	<i>Rate of pension per mensem</i>
For any period below two years	Rs. 4000
For two years in the aggregate	Rs. 4500
For three years in the aggregate	Rs. 5000
For four years in the aggregate	Rs. 5500
For five years in the aggregate	Rs. 6000

Provided that where any person has served as a member as stated in sub-section (1) of section 2 for a period exceeding five years, there shall be paid to him an additional pension of five hundred rupees per mensem for every year in excess of five years:

Provided further that in calculating the net qualifying period for pension, fraction of half year and above shall be rounded to the next completed year:

Provided also that the maximum pension to which a member is eligible under this Act shall not, in the aggregate, exceed rupees twenty thousand per mensem.”.

STATEMENT OF OBJECTS AND REASONS

The last revision of pension to the Ex-Members of the Kerala Legislative Assembly was made in the year 2005 by Act 44 of 2005. The rate of pension has to be enhanced due to the increase in price of commodities and other charges.

As per sub-section (1E) of section 2 of the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1976 (46 of 1976), the minor son or unmarried daughter or both, as the case may be, of the member shall be entitled to a family pension from the date of death of the spouse subject to the following conditions, namely:-

- (i) in the case of minor son, until he attains the age of twenty five years;**

- (ii) in the case of unmarried daughter, until she attains the age of twenty five years or she gets married which ever is earlier.

But there is an ambiguity regarding payment of pension to a son/daughter, who has started earning his/her livelihood before attaining the age of twenty five years. Payment of pension to such persons has to be avoided. This has to be clarified. Government have decided to extend the benefit of family pension to the mentally retarded son/daughter without considering their age. Government have also proposed to give retrospective effect to sub-section (3) of section 2 of the Payment of Pension to Members of Legislature (Amendment) Act, 1976 as amended by Act 44 of 2005 with effect from 14th May, 1996. Government have also decided to introduce free transit coupons to Ex-Members of Legislative Assembly of an aggregate value of twelve thousand rupees for a period of twelve calendar months.

Further it is decided to enhance the minimum pension of the Ex-Members of Legislative Assembly from the existing rate of two thousand and five hundred rupees to four thousand and five hundred rupees to the rate of four thousand rupees to six thousand rupees and the maximum pension from seventeen thousand and five hundred rupees to twenty thousand rupees per mensem.

The Bill seeks to amend the Payment of Pension to Members of Legislature (Amendment) Act, 1976 to achieve the above object.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to introduce free transit coupons of an aggregate value of twelve thousand rupees for a period of twelve calendar months to the Ex-Members of Legislative Assembly.

In clause 4 of the Bill seeks to enhance the minimum pension of the Ex-Members of Legislative Assembly from the existing rate of two thousand and five hundred rupees to four thousand and five hundred rupees to the rate of four thousand rupees to six thousand rupees and the maximum pension from seventeen thousand and five hundred rupees to twenty thousand rupees per mensem.

The Bill if enacted and brought into operation would involve a fairly substantial amount of expenditure of a recurring nature, for its implementation. The actual expenditure that may have to be incurred on this account from the Consolidated Fund of the State cannot be estimated with any reasonable degree of the accuracy at this stage.

MEMORANDUM REGARDING DELIGATED LEGISLATION

The section 2B of the Act proposed to be inserted by clause 3 of the Bill seeks to empower the Government to make such rules prescribing free transit coupons and the method of utilization of such coupons for rail travel for Ex-members of the Legislative Assembly. The above matter is of routine or administrative nature. The delegation of legislative power is, thus of a normal character.

M.
VIJAYAKUMAR.