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**THE KERALA PAYMENT OF PENSION TO MEMBERS OF
LEGISLATURE ACT, 1976
(ACT 46 OF 1976)**

Published by :

**SECRETARIAT OF THE KERALA LEGISLATURE
THIRUVANANTHAPURAM, 2018**

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LEGISLATURE ACT, 1976

(ACT 46 OF 1976)

(As amended by Act 3 of 1982, Act 6 of 1987, Act 7 of 1987,
Act 34 of 1989, Act 25 of 1991, Act 12 of 1994, Act 8 of 1997,
Act 15 of 2000, Act 14 of 2003, Act 44 of 2005,
Act 26 of 2008, Act 5 of 2012
and Act 9 of 2018)

An Act to provide for the payment of pension to persons who have been members of the Legislature.

Preamble.—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 :—

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.

2. *Pension of Members of Legislature.*—(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 Kerala Legislative Assembly or 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 or 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 Re-organisation 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 anyone or more of the other preceding clauses ;

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 or he starts earning his livelihood, whichever is earlier ;
- (ii) In the case of unmarried daughter, until she attains the age of twenty-five years or she gets married or she starts earning her livelihood whichever is earlier ;
- (iia) In the case of mentally retarded son or daughter, without considering age ;
- (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.

(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 other than a member of the Kerala Legislative

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 seventy five 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.

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.

