

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

(Act No. 46 of 1976)

**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[(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:

²[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.

* Received the assent of the Governor on the 28th day of November, 1976 and published in the Kerala Gazette Extraordinary No. 685 dated 1st December, 1976.

¹ Substituted by Act 12 of 1994.

² Proviso omitted by Act 8 of 1997.

¹[(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 ²[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.]

³[(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.]

⁴[(1CCC) 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.]

⁵[(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).]

⁶[(1E) Where the spouse referred to in sub-sections (1A), (1B) and (1C) dies, ⁷[the minor son or the unmarried daughter or the mentally retarded son or daughter or all of them together], 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 ⁸[or he starts earning his livelihood, whichever is earlier];

¹ Inserted by Act 3 of 1982.

² Substituted by Act 12 of 1994.

³ Inserted by Act 12 of 1994.

⁴ Inserted by Act 44 of 2005.

⁵ Inserted by Act 34 of 1989.

⁶ Inserted by Act 44 of 2005.

⁷ Substituted by Act 26 of 2008.

⁸ Inserted by Act 26 of 2008.

(ii) In the case of unmarried daughter, until she attains the age of twenty-five years, or she gets married ¹[or she starts earning her livelihood] whichever is earlier;

²[(ii a) 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 ³[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.

⁴[xxxx]

⁵[(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.]

⁶[Note-This sub-section shall be deemed to have come into force on the 14th day of May, 1996.]

¹ Inserted by Act 26 of 2008.

² Inserted by Act 26 of 2008.

³ Inserted by Act 8 of 1997.

⁴ Explanation omitted by Act 8 of 1997.

⁵ Substituted by Act 44 of 2005.

⁶ Inserted by Act 26 of 2008.

¹[Explanation.-For the purposes of ²[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].

³[(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.]

⁴[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) ⁵[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 ⁶[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 ⁷[family of a person other than his or her spouse] to whom this section applies shall be entitled to any benefit under this section].

⁸[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 ⁹[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

¹ Inserted by Act 3 of 1982.

² Substituted by Act 25 of 1991.

³ Added by Act 25 of 1991.

⁴ Inserted by Act 3 of 1982.

⁵ Substituted by Act 12 of 1994.

⁶ Substituted by Act 6 of 1987.

⁷ Substituted by Act 12 of 1994.

⁸ Inserted by Act 26 of 2008.

⁹ Substituted by Act 9 of 2018.

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.

¹[SCHEDULE

[See Section 2(1)]

Rate of Pension

Period	Rate of Pension per mensem (₹)
For any period below two years	8,000
For two years in the aggregate	8,000
For three years in the aggregate	12,000
For four years in the aggregate	16,000
For five years in the aggregate	20,000

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 one thousand rupees per mensem for every year in excess of five years:

¹ Substituted by Act 9 of 2018.

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 Ex-members may be paid an additional pension of rupees three thousand per mensem on completion of seventy years of age, rupees three thousand and five hundred per mensem on completion of eighty years of age:

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