

Kerala Payment of Pension to Members of Legislature Act, 1976

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Act 46 of 1976

- Published on 28 November 1976
- Commenced on 28 November 1976
- [This is the version of this document from 28 November 1976.]
- [Note: The original publication document is not available and this content could not be verified.]

Kerala Payment of Pension to Members of Legislature Act, 1976(Act No. 46 of 1976)Last Updated 6th December, 2019[Dated 28.11.1976]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.

- (i) 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.

- (i) With effect from the commencement of this Act, there shall be paid a pension of two hundred and fifty rupees per mensem to every person who has served for a period of five years after the 15th day of August, 1947, 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 States 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:Provided that where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional penSion of fifty rupees per mensem for every year in excess of five, so, however. that in no case the pension payable

to such person shall exceed four hundred and fifty rupees per mensem. 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. (2) Where any person entitled to pension under subsection (i), - (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 subsection (i) 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 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 (i), such person shall be entitled to receive only the difference as pension under that sub-section. Explanation. - For the purposes of this proviso, the term "salary" with reference to a Member of the Kerala Legislative Assembly means the sums to which a Member of the Kerala Legislative Assembly is entitled under clauses (a) and (aa) of sub-section (i) of section 8 of the Payment of Salaries and Allowances Act, 1951 (XIV of 1951). (3) Where any person entitled to pension under subsection (i) is also entitled to any pension from 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, 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 (i), such person shall not be entitled to any pension under that subsection, 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 (i), 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.

3. Power to make rules.

- (i) 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 [or - (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.