

THE KERALA PAYMENT OF PENSION TO MEMBERS OF LEGISLATURE RULES, 1977

In exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Kerala Payment of Pension to Members of Legislature Act, 1976 (46 of 1976), the Government of Kerala hereby make the following rules, namely:-

1. *Short title*.-These rules may be called the Kerala Payment of Pension to Members of Legislature Rules, 1977.

2. *Definitions*.- In these rules, unless the context otherwise requires,-

(a) "Act" means the Kerala Payment of Pension to Members of Legislature Act, 1976;

(b) "Form" means a form appended to these rules;

(C) "Secretary" means the Secretary of the Kerala Legislative Assembly;

(d) "Member" means a person entitled to pension under sub-section (1) of section 2 of the Act.



3. *Application for pension.* - (1) A person entitled to pension under the shall make an application in



Form 1, in duplicate to the Secretary

(2) Every application shall be accompanied by three copies of the latest photograph in passport size and 3 specimen signatures or thumb impressions, of the applicant duly attested by a First Class Magistrate or a Class I Officer of the Central Government or the State Government or a sitting Member of the Kerala Legislative Assembly or a Member of Parliament.



(3) In the event of the death of a Member, his/her spouse shall make an application
in



Form IA, in duplicate to the Secretary, Legislature Secretariat, Thiruvananthapuram.

(4) Every application under sub rule (3) shall, in addition to the document specified in sub-rule (2), be accompanied by a certificate showing the relationship of the applicant with the deceased member obtained from the Tahsildar having jurisdiction over the area where the member had been permanently residing.



- (5) In the event of death of the spouse of a deceased member, the minor son or the unmarried daughter or both shall make an application in



Form IB, in duplicate, to the Secretary, Legislature Secretariat,
Thiruvananthapuram.

(6) Every application under sub-rule 5) shall, in addition to document specified in sub-rule (2), be accompanied by a certificate showing the relationship of the applicant with the deceased member, number of family members, their age and marital status etc. obtained from the Tahsildar having jurisdiction over the area where the member had been permanently residing.

4. *Determination of Pension.*- (1) On receipt of an application for pension, the Secretary shall verify the facts stated in the application with reference to the records available, for the purpose of determining the amount of pension to which the applicant is entitled.

(2) If the facts stated in the application are found correct and the application is not otherwise defective, the Secretary shall determine the amount of pension payable to the applicant.

(3) If, the Secretary finds that any correction is necessary in the facts furnished in the application or that the application is otherwise defective, he shall return the application to the applicant for making the correction rectifying the defect.

(4) The applicant shall make the required correction or rectify the defect and return the application to the Secretary and thereupon the Secretary shall determine the amount of pension payable to the applicant.

(4A) Pension received from the Government of India under the Freedom Fighter Pension Scheme, 1972 or from the Government of Kerala under the Kerala Freedom Fighters Pension Rules or from any other State Government under a scheme for pension to Freedom Fighters or any other pension from Government of India or any Corporation owned or controlled by the Government of India or any authority under any law or otherwise by a person entitled to pension under the Act, shall not be taken into account for the purpose of determination of pension under these rules and such person shall be entitled to receive that pension in addition to the pension to which he is entitled to, under the Act.

- (5) After the determination of the amount of pension under sub-rule (2) or sub-rule (4), the Secretary shall issue an order in



Form II or II A as the case may be sanctioning the pension and send -

- (a) a copy of the order together with the duplicate copy of the application and 2 copies of the photographs and 2 specimen signatures or thumb impressions received with the application to the Accountant General; and
- (b) a copy of the order to the applicant

5. *Due date of Pension*:-The pension for a month shall be payable on the first day of the succeeding month.

6. *Authorisation for payment of pension*:- (1) On receipt of the order sanctioning pension under rule 4, the Accountant General shall prepare a Pension Payment Order and forward the same to the Treasury Officer of the Treasury mentioned in the application under rule 3.



(1A) The Pension Payment Order, shall be in two halves of which one known as the disburser's half shall be in



Form III and the other half known as the Pensioner's half shall be in Form III A.

(2) On receipt of the Pension Payment Order the Treasury Officer shall keep the disburser's half in the Treasury in such manner that the pensioner shall not have access there and deliver the pensioner's half to the pensioner in person when he appears to receive payment of the pension for the first time:

Provided that where a pensioner opt to receive his pension by postal money order, the pensioner's half of the Pension Payment Order need not be handed over to the Pensioner.

(3) In issuing a Pension Payment Order, the Accountant General shall attach to each half of the order a specimen signature of the pensioner if he can sign his name, and the thumb and finger impressions of the left hand of the pensioner; if he cannot sign his name.

(4) A Pensioner drawing pension direct from a Treasury shall claim it in Form IV and payment shall be made:-

(a) in the case of a pensioner drawing pension in person only if he produces the pensioner's half of the pension payment order, before the Treasury Officer whenever he claims pension;



- (b) In the case of a pensioner drawing his pension in absentia only if he has furnished the life certificate in prescribed



Form IV.

(5) Each payment of pension shall be entered on the reverse of both halves of the Pension Payment Order, both entries being attested at the time of payment under the dated signature of the Treasury Officer.

(6) A pensioner may opt to receive his pension by postal money order.

(7) Where a pensioner has opted to receive pension by postal money order, the amount shall be sent by postal money order at Government cost to the address furnished by the pensioner:

Provided that the payment of pension for the first time shall be made only on the personal appearance of the pensioner at the Treasury and after identification of the pensioner with reference to the details available in the Pension Payment Order and on production of the copy of the letter of the Accountant General forwarding his Pension Payment Order to the Treasury Officer.

(8) The procedure prescribed in the Kerala Treasury Rules for payment of pension shall, subject to the provisions of these rules, apply to the payment of pension under the Act.



7. Refixation of Pension.-(1) If after the communication of the order sanctioning pension, any fact which has a bearing on the amount of pension already sanction comes to the knowledge of the Secretary, he shall after due verification, redetermine the amount of pension and issue a revised order in



Form II and communicate the same to the Accountant General and to the pensioner:

Provided that no order reducing the pension shall be issued except after giving the pensioner an opportunity of being heard.

(2) The Accountant General shall, on receipt of an order under sub-rule(1), obtain both halves of the Pension Payment Order and make corrections in accordance with the said order.

(3) Whereby the refixation of pension under sub rule(1) the amount of pension is reduced, the pensioner shall be liable to refund the excess received by him within such times as may be specified by the Secretary and if such amount is not so refunded, it shall be liable to be adjusted against future payment of pension, subject to any general or special order as may be issued by the Government.

8. *Payment of arrears of Pension.*-Any arrears of pension standing to the credit of a deceased pensioner shall be paid to his heirs on production of a succession certificate obtained from a competent court:

Provided that arrears of pension not exceeding one lakh rupees that be paid to the heirs on Production of a heirship certificate from the Tahsildar having jurisdiction over the area in which the petitioner had been permanently residing:

Provided further that such payment shall be made only after the pensioner's half of the Pension payment order is received back in the Treasury.

9. *Decision of the Secretary is final* .- The decision of the Secretary on all matters covered by these rules shall be final.

FORM 1
APPLICATION FOR PENSION
(See Rule 3)

From

Shri/Smt/Kumari
Ex-member

To

The Secretary,
Kerala Legislative
Assembly,
Legislative Secretariat,
Thiruvananthapuram.

Sir,

Sub:- Sanction of Pension under the Kerala payment of Pension to Members of
Legislature Act, 1976.

I am entitled to receive pension under the Kerala Payment of Pension to Members
of

the Legislature Act, 1976, having been a member of the Legislative Assembly and / or
Legislative Council mentioned below and during the period mentioned therein,

Name of the Legislative Assembly /or Legislative Council in which served as a Member	Period and From To
--	-----------------------

2. I request that steps may kindly be taken to sanction pension to me. I desire to
draw my pension from the Government District Treasury/Sub Treasury at
.....in person/and the amount may be sent to me by Postal Money
Order to my present/permanent address furnished in paragraph 4 below.

3. I enclose herewith the following documents duly attested by I Class Magistrate
/Class I Officer of the Central/State Government / a Sitting Member of the Kerala
Legislature of Member of Parliament.

- (i) Three specimen signatures (if the applicant can
sign his name) or three copies of the impression
of the thumb and fingers of the left hand (if the
applicant cannot sign his name)
- (ii) Three copies of latest photographs in passport size.

4. (1) My Present address is

.....
.....
.....

(ii) My Permanent address is

.....
.....
.....

5. Date of Birth (in Christian Era).....

6. I hereby declare that :

(i) I am not holding the elected Office of the President/Vice President of India or is appointed to the Office of the Governor of any State or the Administrator of any Union Territory;

(ii) I am not 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) I am not 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.

(iv) I am not in receipt of any Political /Military /Civil Pension .

(v) I am holding the Office of

.....

....

..... or

employed as

.....

or in

.....and

the total remuneration received by me is Rs.

.....

.....p.m (A certificate from the competent authority to be attached)

(vi) I am in receipt of Rs
as Political/Military/Civil Pension being drawn from.....

.....
(A Certificate from competent authority to be attached).

Yours faithfully

Name in Block Letters:

Signature.

Station :

Date :

FORM IA
APPLICATION FOR PENSION
(See Rule 3)

From

Shri/Smt

Spouse of late Shri/Smt

Member.

To

The Secretary,
Kerala Legislative
Assembly,
Legislative Secretariat,
Thiruvananthapuram.

Sir,

Sub:- Sanction of Pension under the Kerala Payment of Pension to Members of
Legislature, Act, 1976.

I am entitled to receive pension under the Kerala Payment of Pension to Members
of Legislature Act, 1976, having been the spouse of Late Shri/Smt.....
Member of the Legislative Assembly/or Legislative Council mentioned below and during
the period mentioned therein.

Name of the Legislative Assembly and/or Legislative Council in which To served as a Member	Period From
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2. I request that steps may kindly be taken to sanction pension to me. I desire to
draw my pension from the Government District Treasury/Sub Treasury at
..... in person/and the amount may be sent to me by Postal
Money Order to my present/permanent address furnished in paragraph 4 below.

(i) Three specimen signatures.

(ii) Three copies of latest photograph in passport size.

(iii) A Certificate obtained from the Tahsildar, having jurisdiction over the area
showing my relationship with the Member.

(iv) An affidavit duly countersigned by the Tahsildar having jurisdiction over the
area, that I have not remarried and in case of remarriage the matter will be
intimated to the Secretary, Kerala Legislative Assembly promptly, for cancelling
the pension payment.

(v) Three copies of death certificate of the late member.

4. (i) My present address is

.....

.....

.....

(ii) My permanent address is

.....

.....

.....

.....
5. Date of Birth (in Christian Era)

Yours faithfully,
Signature.

Name in Block letters

Station

Date



FORM II

(See Rule 4)

ORDER

The undersigned having satisfied that Shri/Smt./Kumari
has served as a Member Council/Assembly during the
following periods :

From

To

is the spouse of late Shri

who has served as a Member

Council / Assembly during the following periods :

From

To

hereby orders the grant of pension of Rs.

per mensem to Shri/Smt./Kumari

which may be accepted by Accountant General as admissible under the Rules ..

.....
The grant of this pension shall take effect from :

The date of birth of the Ex-Member is:

The Ex-Member is also eligible to have additional pension per mensem on
completion of the age of 70/80/90 years as follows admissible as per the Kerala Payment of
Pension to Member of Legislature (Amendment) Act, 2012 (Act 5 of 2012) which may be
accepted by the Accountant General

Age	Amount of Additional Pensioner
On completion of 70 years on	Rs.
2,500/- On completion of 80 years on	Rs.
Rs. 3,000/- On completion of 90 years on	Rs. 3,500/-

Place :

Kerala Legislative Assembly

Secretary, Date :