



KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
THIRD SESSION

**THE KARNATAKA LEGISLATURE SALARIES, PENSIONS
AND ALLOWANCES (AMENDMENT) BILL, 2014**
(L.A. Bill No. 29 of 2014)

A Bill further to amend the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956.

Whereas it is expedient further to amend the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956 (Karnataka Act 2 of 1957) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty-fifth year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Act, 2014.

(2) It shall come into force at once.

2. Amendment of section 11A.- In section 11A of the Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Act, 1956 (Karnataka Act 2 of 1957) (hereinafter referred to as the Principal Act),-

(i) in sub-section (1), for the fifth proviso, the following shall be deemed to have been substituted with effect from 1st August, 1990, namely:-

“Provided also that where the election of a person is set aside by the Court in an election petition due to technical reasons not attributed to such person and for this reason was not able to

serve as a member during the period of five years, shall be deemed irrespective of the period of actual service, to have served as a member for five years.

Explanation.- For the purpose of this proviso technical reason means inclusion of certain voters in the voter list after the issue of notification of election by the Election Commission of India.”

(ii) for Explanation, the following shall be deemed to have been substituted with effect from 24th day of August 2005, namely:-

"Explanation.- For the purpose of this sub-section, a member of the Legislative Assembly or the Legislative Council includes,-

(1) a person who prior to the 1st day of November 1956 represented any of the areas which with effect on and from the said date have become part of the new State of Karnataka, as a member of the Legislative Assembly or the Legislative Council of the State of which the said areas were part:

Provided that in the case of a nominated member of the Legislative Assembly or the Legislative Council he shall be eligible for the pension if during his membership of the Legislative Assembly or the Legislative Council, he permanently resided in any area which forms part of the State of Karnataka.

(2) a person who was a member of the following (before the first day of January, 1952) namely:-

(a) The Constituent Assembly;

(b) The Mysore Representative Assembly;

(c) The Mysore Legislative Assembly;

(d) The Legislative Assembly or the Legislative Council of any State (including an Indian State) or Province,

Which or any area of which now forms part of the State of Karnataka.

Provided that no such pension shall be paid to a person unless,-

- (i) in the case of a person who served as a member representing a territorial Constituency, he represented; and
- (ii) in the case of any other member, he permanently resided during such membership in, any area which now forms part of the State of Karnataka."

3. Amendment of section 11B.- In section 11B of the Principal Act, for sub-section (1A), the following shall be substituted, namely:-

"(1A) Notwithstanding anything contained in sub-section (1), the family of the deceased person, who was a member of the Legislative Council or the Legislative Assembly whether he was in receipt of pension or not shall be entitled for family pension at the rate specified under sub-section (1)."

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to amend the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956, (Karnataka Act 2 of 1957) to,-

- (i) provide pension to the family of the deceased person, who was a member of Mysore Representative Assembly (MRA) or the Member of Coorg Representative Assembly, Constituent Assembly or Legislative Assembly or Legislative Council of any State including an Indian State or Province which or any area of which now forms part of State, before January, 1952; and
- (ii) where the election of legislator is set-aside by the Court in an election petition due to technical reason not attributed to such legislator such as inclusion of certain voters in the voters list after the issue of notification of election by the Election Commission of India to provide such legislator pension from 1st day of August, 1990.

Hence, the Bill.

FINANCIAL MEMORANDUM

There will be a recurring approximate additional expenditure of Rs.4.80 lakhs per annum from the proposed legislative measure.

T.B.JAYACHANDRA

Minister for Law, Justice and Human Rights
and Parliamentary Affairs and Legislation
and Animal Husbandry

P. OMPRAKASHA

Secretary
Karnataka Legislative Assembly

ANNEXURE

Extract from the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956 (Karnataka Act 2 of 1957)

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11A. Pension to the members etc.-(1) With effect from the date of commencement of the Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Act, 2009 there shall be paid to every person who has served for a period of five years as,-

(i) a member of the Legislative Council; or

(ii) a member of the Legislative Assembly; or

(iii) partly as a member of the Legislative Assembly and partly as a member of the Legislative Council, a pension at the rate of 4 (twenty-five thousand rupees) per mensem for the remainder of his life:

Provided that where any person has served for morethan five years there shall be paid to him an additional pension at the rate of rupees one thousand per mensem for every subsequent completed year so however that the total amount of pension payable under this section does not exceed thirty five thousand rupees per mensem.

Provided further that service as such member for a part of the year exceeding six months shall be treated as a full year for the purpose of calculating additional pension:

Provided also that where a member has been prevented from serving as such for five years on account of dissolution of the Legislative Assembly, he shall be deemed to have served as member for five years:

Provided also that a person who was a member of the first Legislative Council and whose term was terminated by lots drawn before he could serve the full term of six years, shall be deemed, irrespective of the period for which he held office, to have served as member for five years:

Provided also that where a person is declared as elected by a court in an election petition and was not able to serve as a member during the pendency of the election petition, shall be deemed, irrespective of the period of actual service, to have served as a member for five years:

Provided also that where a person is declared as elected in a bye-election or is nominated as a member in the middle of a term and was not able to serve the full term, he shall be deemed, irrespective of the period of actual service, to have served as a member for five years: Provided also that where a member resigns, he shall be deemed to have served as member for five years.

Explanation.- For the purpose of this sub-section, a member of the Legislative Assembly or the Legislative Council includes a person who prior to the 1st day of November 1956 represented any of the areas which with effect on and from the said date have become part of the new State of Karnataka, as a member of the Legislative Assembly or the Legislative Council of the State of which the said areas were part:

Provided that in the case of a nominated member of the Legislative Assembly or the Legislative Council he shall be eligible for the pension if during his membership of the Legislative Assembly or the Legislative Council, he permanently resided in any area which forms part of the State of Karnataka.

(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 25

(ii) is appointed or elected to the office of a Minister, a Minister of State, a Deputy Minister, a Chairman, Speaker, a Deputy Chairman, a Deputy Speaker, a Leader of the Opposition a Government Chief Whip or a Opposition Chief Whip.

(iii) becomes a Member of the Council of State, or the House of the People or the Legislative Assembly of a State or Union Territory or any Legislative Council of a State; or

(iv) is employed on a salary in any State Government or Central Government or any Corporation owned or controlled by any State Government or the Central 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 or so employed or where the remuneration referred to in clause (iv) 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 balance as pension under that sub-section.

(4) In computing the number of years, for the purpose of sub-section (1), the period during which a person has served in any one or more of the following capacities namely, a Minister, a Minister of State, a Deputy Minister, a Parliamentary Secretary, the Chairman, the Speaker, a Leader of the Opposition a Government Chief Whip or a

Opposition Chief Whip by virtue of his membership of the Legislative Assembly or the Legislative Council, shall also be taken into account.

(5) Every member entitled to pension under,-

(i) shall be provided with one 1[non transferable pass for him and his companion which shall entitle them]1 at any time to travel by road transport services of the Karnataka State Road Transport Corporation 1from the ordinary place of residence of such member in Karnataka to any place in the State of Karnataka or outside the State and back in such class of accommodation therein as may be prescribed;

(ii) shall be a maximum of Rupees One Lakh per annum for self alongwith his one companion in first class/second class A/c for journeys by train in India subject to such rules as may be prescribed.

11B. Family Pension.- 11) Where a member dies before the expiry of his term or where a person eligible for pension under section 11-A dies, there shall be paid to his family, a family pension at the rate of fifty percent of pension drawnunder section 11A per mensem.

(1A) Notwithstanding anything contained in sub-section (1), the family of the deceased person, who was a member of the Legislative Council or the Legislative Assembly after 1st day of January, 1952, whether he was in receipt of pension, or not shall be entitled for family pension at the rate specified under sub-section (1) as if the deceased person was a member after 26-12-1978.

Explanation.—For the purposes of sub-sections (1) and (2) 'family' means, the following relatives of the deceased member, namely:—

- (a) wife or the husband;
- (b) minor sons; and
- (c) unmarried minor daughters.

(2) The family pension admissible under sub-section (1) shall be payable in the following order,-

- (a) wife or husband; and

(b) the eldest among the minor sons or unmarried minor daughters, where the deceased member has no surviving spouse: Provided that where the recipient of the family pension dies or marries or ceases to be a minor, the pension payable shall thereafter be paid to the person next lower in the order of preference.