

## **Karnataka Legislature Salaries, Pensions And Allowances (Amendment) Act, 2005**

**24 of 2005**

**[24 August 2005]**

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## **Karnataka Legislature Salaries, Pensions And Allowances (Amendment) Act, 2005**

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An Act 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 Fifty-sixth 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, 2005.

(2) It shall come into force at once.

## **2. Amendment Of Section 3 :-**

In section 3 of the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956 (Karnataka Act 2 of 1957) (hereinafter referred to as the principal Act), in sub-section (1), for the words "six thousand rupees" the words "twelve thousand rupees" shall be substituted.

## **3. Amendment Of Section 4 :-**

In section 4 of the principal Act,-

(i) in the heading "Chairman and Speaker", the words "Chairman, Speaker etc.," shall be substituted;

(ii) in sub-section (1), for the words "Chairman and the Speaker", the words "Chairman, Speaker, Deputy Chairman, Deputy Speaker, Leader of Opposition and Government Chief Whip" shall be substituted;

(iii) for the words "ten thousand rupees", the words "twenty thousand rupees" shall be substituted.

## **4. Amendment Of Section 8 :-**

In section 8 of the principal Act, in sub-section (2), in clause (b), for the words "ten rupees", the words "twelve rupees" shall be substituted.

## **5. Amendment Of Section 10 :-**

In section 10 of the principal Act, in sub-section (1), for the words "four thousand rupees", the words "eight thousand rupees" shall be substituted.

## **6. Amendment Of Section 10A :-**

In section 10A of the principal Act,-

(1) in sub-section (1), for the words "five thousand five hundred rupees", the words "ten thousand rupees" shall be substituted;

(2) in sub-section (2), for the words " five thousand and five hundred rupees", the words " ten thousand rupees" shall be

substituted.

## **7. Omission Of Section 10B :-**

Section 10B of the principal Act shall be omitted.

## **8. Amendment Of Section 10D :-**

In section 10D of the principal Act,-

(i) in sub-section (1), for the word, figures and letter "section 10B", the word and figure "section 4" shall be substituted;

(ii) in sub-section (2), for the word, figures and letter "section 10B", the word and figure "section 4" shall be substituted;

## **9. Amendment Of Section 10E :-**

In section 10E of the principal Act, for the words "five thousand rupees", the words "ten thousand rupees" shall be substituted.

## **10. Omission Of Section 10F :-**

Section 10F of the principal Act shall be omitted.

## **11. Amendment Of Section 10I :-**

In section 10 I of the principal Act,-

(i) in sub-section (1), for the word, figures and letter "section 10F", the word and figure "section 4" shall be substituted;

(ii) in sub-section (2), for the word, figures and letter "section 10F", the word and figure "section 4" shall be substituted;

## **12. Amendment Of Section 10J :-**

In section 10J of the principal Act, for the words " four thousand rupees", the words "eight thousand rupees" shall be substituted.

## **13. Omission Of Section 10K :-**

Section 10K of the principal Act shall be omitted.

## **14. Amendment Of Section 10N :-**

In section 10N of the principal Act,-

(i) in sub-section (1), for the word, figures and letter "section 10K", the word and figure "section 4" shall be substituted;

(ii) in sub-section (2), for the word, figures and letter "section 10K", the word and figure "section 4" shall be substituted.

**15. Amendment Of Section 11 :-**

In section 11 of the principal Act, in sub-section (1), for the words "four thousand rupees", the words "eight thousand rupees" shall be substituted.

**16. Amendment Of Section 11A :-**

In section 11A of the principal Act,-

(1) for sub-section (1), the following shall be substituted, namely:-

"(1) With effect from the date of commencement of the Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Act, 2005, 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 five thousand rupees per mensem for the remainder of his life:

Provided that where any person has served as aforesaid for more than five years there shall be paid to him an additional pension at the rate of rupees five hundred per mensem for every subsequent completed year so however that the total amount of pension payable under this section does not exceed ten 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 after serving for a period of more than three years, 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) in sub-section (1A), the words, letters and brackets "clauses (a) and (b) of" shall be omitted;

(3) in sub-section (5),-

(a) in the opening sentence, the words "clauses (a) and (b) of" shall be omitted;

(b) in clause (i), for the words "to any place in Karnataka" the words "to any place in the State of Karnataka or outside the State" shall be substituted;

(c) clause (ii) shall be omitted.

### **17. Amendment Of Section 11B :-**

In section 11B of the principal Act, for the words "five hundred rupees", the words "fifty percent of the pension admissible to a member under section 11A" shall be substituted.

### **18. Amendment Of Section 12 :-**

In section 12 of the principal Act,-

(i) in clause (a),-

- (a) for the words "eight rupees" the words "ten rupees" shall be substituted;
- (b) after the words "subject to such conditions as may be prescribed", the words " or fixed traveling allowance rupees one thousand five hundred for each meeting in lieu of traveling allowance calculated on the basis of distance traveled in kilometers" shall be inserted;
- (ii) in clause (b), in sub-clause (i), for the words "five hundred rupees" the words "six hundred rupees" and for the words "six hundred rupees" the words "seven hundred and fifty rupees" shall be substituted;
- (iii) in clause (c), for the words "every member", the words "every member or an ex-member" shall be substituted;
- (iv) in clause (cc), for the words "rupees fifteen thousand per annum in two equal installments payable in the months of April and October as constituency traveling allowance", the words "rupees five thousand per month as constituency traveling allowance" shall be substituted;
- ( v ) in clause (h), for sub-clause (i), the following shall be substituted, namely:-
- "(i) seven thousand five hundred rupees per month towards meeting the expenditure incurred by him on telephone and cell phone calls".