

The Haryana Legislative Assembly (Facilities to Members) Act, 1979

HARYANA

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Act 9 of 1979

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The Haryana Legislative Assembly (Facilities to Members) Act, 1979 Haryana Act No. 9 of 1979 Statement of Objects and Reasons - At present there is no provision for the grant of house building loan or motor-car loan to the Members of the Legislative Assembly. However, the Haryana Legislative Assembly Speaker's and Deputy Speaker's Salaries and Allowance Act, 1975 and the rules made thereunder provide for motor-car advance of Rs. 26,000 or the anticipated price of the motor-car, whichever is less, to the Speaker and Deputy Speaker only. The amount of advance is to be recovered in 48 monthly instalments and the amount of interest on the advance is recoverable thereafter in one or more instalments.² It is now proposed vide this new legislation to allow each member by way of a re-payable advance :- (a) a sum of money not exceeding forty-five thousand rupees for building a house; or (b) a sum of money not exceeding thirty thousand rupees for the purchase of a motor-car or anticipated price thereof, whichever is less. The Speaker or the Deputy Speaker who has not obtained an advance under the Haryana Legislative Assembly Speaker's and Deputy Speaker's Salaries and Allowances Act, 1975, may be paid an advance for building a house. The conditions and limitations for payment of the advance and proper safeguards for its recovery shall be prescribed in the rules to be framed by the State Government. Published by Haryana Gazette Extra. dated 19.3.1979 P. 53. Received the assent of the Governor of Haryana on the 4th April, 1979 and was first published in the Haryana Government Gazette (Extraordinary) Legislative Supplement Part I of the 6th April, 1979. An Act to provide certain facilities to members of the Haryana Legislative Assembly. Be it enacted by the Legislature of the State of Haryana in the Thirtieth Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Haryana Legislative Assembly (Facilities to Members) Act, 1979.

2. Definitions.

- In this Act, unless the subject or context otherwise requires, -(a)"Assembly" means the Haryana Legislative Assembly;(b)"Deputy Speaker" means the Deputy Speaker of the Assembly;(c)"member" means a member of the Assembly and includes the Chief Minister, a Minister, a Minister of State, a Deputy Minister, the Chief Parliamentary Secretary and a Parliamentary Secretary;(d)"Minister" means a member of the Council of Ministers, by whatever name called, and includes a Deputy Minister;(e)"prescribed" means prescribed by rules made under this Act;(f)"Speaker" means the Speaker of the Assembly.

3. [Facilities. [Substituted by Haryana Act No. 16 of 2019, dated 13.3.2019.]

(a)Subject to such conditions and limitations as may be prescribed, a Member shall be entitled to draw repayable house building advance for purchasing a built up house or flat or for building a house or flat to be constructed by the Co-operative Group Housing Society of which he is a member not exceeding sixty lakh rupees, subject to the condition that the total amount of repayable advances drawn under this clause and clauses (d) and (e), if any, shall not exceed eighty lakh rupees.(b)A Member shall also be entitled to draw repayable house building advance, equal to the amount on the same terms and conditions as prescribed in clause (a) above, for second time immediately after the completion of recovery of principal amount along with interest on the previous advance.(c)On refund of previous house building advance along with interest thereon, a Member below the age of sixty years shall be entitled to draw repayable house building advance, equal to the fifty per cent of the amount on the same terms and conditions as prescribed in clause (a) above, for the third time, subject to the condition that the total amount of repayable advances drawn under this clause and clauses (d) and (e), if any, shall not exceed fifty lakh rupees.(d)A Member shall also be entitled to draw upto a maximum of ten lakh rupees for effecting major repairs, additions or alterations to his house:Provided that outstanding principal amount towards house building advance is not more than fifty lakh rupees.(e)A Member shall be entitled to draw motor-car advance of an amount not exceeding twenty lakh rupees for purchase of a motor-car or anticipated price thereof, whichever is less:Provided that a Member shall be eligible to draw second car advance also on the repayment of first motor-car advance along with interest thereon in a tenure of the Haryana Vidhan Sabha which may be for a period of five years or less.]

4. Application for advance.

(1)[* * * *]. [Omitted by Haryana Act 12 of 1980.](2)An application for the advance shall be made to the State Government in such form, and shall contain such information, as may be prescribed.

5. Security for repayment.

(1)On the acceptance of an application for an advance, the member shall execute a deed in the prescribed form, undertaking to use the advances for the purpose for which, and to fulfill the conditions on which, the advance is sanctioned, rendering himself and such property as may have

been specified in the deed as security, [including the house built or flat] [Substituted for the words 'including the house built' by Haryana Act No. 26 of 2003.] with the aid of the advance; Provided that no advance for building the house shall be sanctioned unless the plot or land on which the house is to be built, is exclusively owned and possessed by the member applying therefor, and is free from all encumbrances: [Provided further that the advance for any of the purposes specified in clause (a) of section 3 shall be paid in such manner as may be prescribed.] [Substituted by Haryana Act 26 of 1980.] (2) No transfer, assignment or charge made or created after the execution of the deed under sub-section (1), in relation to the property specified therein or the [the house built or flat] [Substituted for the words 'the house built' by Haryana Act No. 26 of 2003.] with the aid of the advance, shall be valid against the State Government, unless it has been made or created with its previous consent in writing. [5A. Eligibility for advance in certain cases. Notwithstanding anything to the contrary contained in section 5, a member who has been allotted a residential plot by the Haryana Urban Development Authority, the price of which has to be paid in instalments, shall be eligible for the payment of advance for building the house; if the member - (i) has made initial payment towards the price of the plot; (ii) has been put in possession of the plot; and (iii) has been permitted by the Haryana Urban Development Authority to mortgage the plot to the Government.]

6. Advance how repayable.

- The advance, together with interest due thereon, shall be repayable by instalments as may be provided for in the deed executed by the member under section 5. [Provided that interest at the rate of four per cent per annum shall be charged on the repayable advance obtained by the member for the purchase of a motor-car.] [Added by Haryana Act 6 of 1988.] [7. Facilities to Speaker and Deputy Speaker. - The Speaker or the Deputy Speaker, as the case may be, shall be deemed to be a member for the purposes section 3] [Substituted by Haryana Act 11 of 1987.]

8. Power to make rules.

(1) The State Government may make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules in respect of the following matters, namely :-(a) any matter which is required by this Act to be prescribed; (b) the conditions and limitations for payment of advance under section 3; (c) the form in which application may be made, and the information to be contained in the application, under section 4; (d) the form in which the deed may be executed, [and the manner in which the advance shall be paid] [Substituted by Haryana Act 26 of 1980.] under section 5; (e) interest, and penal interest in case of default. (3) Every rule made under this section shall be laid as soon as may be after it is made before the House of State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rules 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. [Inserted by Haryana Act 3 of 1981.]