

Uttarakhand State Legislative Assembly (Members' Emoluments and Pension) Act, 2008

UTTARAKHAND

India

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Act 6 of 2008

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Uttarakhand State Legislative Assembly (Members' Emoluments and Pension) Act, 2008(Uttarakhand Act 6 of 2008)Received the assent of the Governor on April 17, 2008 and published in the Uttarakhand Gazette, Extraordinary, Part 1, Section (Ka), dated 31st October, 2017, pp. 1-11To consolidate and amend the law relating to payment of salaries, allowances, and other facilities to the members of the Uttarakhand State Legislative Assembly.An Act it is hereby enacted by the State Legislative Assembly in sixty ninth year of the Republic of India as follows-

Chapter I

Preliminary

1. Short title and commencement.

(1)This Act may be called the Uttarakhand State Legislative Assembly (Members' Emoluments and Pension) Act, 2008.(2)It shall come into force at once, except Clause 20, which shall be deemed to have come into force on December 1, 2007.

2. Definitions.

- In this Act-(a)"Assembly" means the Uttarakhand Legislative Assembly;(b)"Chairman" means the Chairman of the Uttarakhand Legislative Assembly;(c)"Deputy Chairman" means the Deputy Chairman of the Assembly;(d)"duration of membership", in relation to a member means the period-(i)beginning with the date of publication in the Official Gazette, of the notification of his election or nomination, as the case may be, or the date he makes or subscribes the oath or affirmation in accordance with Article 188 of the 'Constitution of India' whichever is earlier;

and(ii)ending with the date when he ceases to be such a member due to death, resignation or otherwise;(e)"Leader of Opposition" means the member of the Assembly who is, for the time being, recognised as such by the Chairman, as the case may be;(f)"Member" means a member of the Assembly, who does not hold the office of a Minister, Chairman, Deputy Chairman;(g)"Member of family" in relation to a member of Assembly, whether or not he holds any office referred to in clause (f) means his or her spouse, son, daughter, father, mother, brother or sister, residing with and wholly dependent on such member;(h)"Minister" means the Chief Minister, a Minister for State or a Deputy Minister;(i)"place of residence" in relation to a member means the place of which the member is, according to the entry in the electoral roll of an Assembly Constituency, ordinarily resident, and in case the member changes such place, the place within Uttarakhand notified as such on request of the member by the Secretary:Provided that no such notification shall be issued before the expiry of the period of six months after the election or after the issue of the earlier notification issued under this clause, as the case may be;(j)railway coupon means free non-transferable rail travel coupons issued under the authority of the Railway Board for the purposes of this Act;(k)"incidental charge" means-(i)in the case of a journey performed by rail an amount equal to the railway fare for such journey in first class for one person; and(ii)in any other case, the amount payable as such at the rate to be prescribed;(l)"Secretary/Principal Secretary" in relation to members of the Assembly, means the Secretary/Principal Secretary of the Assembly;(m)"year" means the period of twelve months commencing on the first day of June and ending on the thirty-first day of May next following.

Chapter II

Salary and Constituency Allowance

3. Salary.

(1)Every member, other than the Leader of Opposition of the Assembly shall be entitled to receive, for the duration of his membership, a salary of [thirty thousand] [Substituted 'ten thousand' by Uttarakhand Act No.15 of 2018.] rupees per month.(2)The payment of salary referred to in sub-section (1) shall be subject to the following conditions, namely-(a)the salary shall be liable to such deductions on the ground of absence or other cause as may be prescribed;(b)no salary shall be payable to a member for the period during which he is unable to sit in the Assembly, as the case may be, as a result of any decision of any court or tribunal;(c)no salary shall be payable to a member of the Assembly for the period preceding the date of constitution of the Assembly.

4. Constituency allowance.

- Every member of the Assembly, whether or not he holds any of the offices referred to in clause (f) of Section 2, shall be entitled to receive, for the duration of his membership a constituency allowance of [one lacs fifty thousand] [Substituted 'Sixty thousand' by Uttarakhand Act No.15 of 2018.] rupees per month.

Chapter III

Travel Facilities

5. Railway Coupons.

(1) Subject to the provisions of this Act, every member of the Assembly, whether or not he holds any office referred to in clause (f) of Section 2, shall be provided, in the manner prescribed, equal of railway coupons of [three lac twenty five] [Substituted 'two lac seventy thousand' by Uttarakhand Act No.15 of 2018.] rupees per annum as the amount of diesel expenditure for the period, as may be used by such member for himself and for the members of his family for travel by any railway in any class at any time within or outside Uttarakhand in accordance with such principles as may be prescribed: (2) Subject to the other provisions of this Act, every ex-member shall be provided, in the manner prescribed, as equal of railway coupons of such value of Rupees [two lac seventy two thousand] [Substituted 'one lac' by Uttarakhand Act No.15 of 2018.] rupees as diesel/petrol expenditure per annum and additional twenty thousand rupees for railway coupons may be used by such ex-member for himself and for the members of his family. Explanation. - The value of railway coupons for journeys by railway referred to in this section shall from time to time be determined by the State Government in consultation with the Railway Board. Provided that out of the railway coupons to be supplied under this section to a member, he shall at his option, be supplied coupons of equal value for travel by air at any time within or outside Uttarakhand. Provided further that whenever there is an increase in the railway fare of first class, the State Government may by a notified order make a proportional increase in the value of railway coupons.

6. Journey with companion.

- The railway coupons referred to in Section 5 may also be used by a member for taking along with himself in journeys by rail one companion in the following cases, namely-(a) not more than twice during each session of the Assembly, as the case may be, for coming to Dehradun from the railway station nearest to the place of his residence, and going back from Dehradun to such railway station; (b) in the case of a women member, for such journey as is performed by her for her attendance required in connection with her duties and functions as such member and for returning, after such attendance, to the place of her residence.

7. Journey by Minister, Speaker, etc.

- The railway coupons referred to Section 5 may, in the manner prescribed, be used by every member who holds any office mentioned in clause (f) of Section 2 for himself and members of his family for travel in any railway in any class at any time within or outside Uttarakhand for purposes otherwise than in discharge of official duties.

8. Validity of railway coupons.

- The railway coupons issued to a member under this Chapter shall be valid for such period and every unused coupon shall be surrendered to the Secretary /Principal Secretary in such manner as may be prescribed.

9. Journey by Bus.

(1)Every member shall be entitled in the manner prescribed with a free non-transferable pass to travel at place by the Uttarakhand Transport Corporation bus including air conditioned or deluxe bus without payment of the passenger tax due under any law for the time being in force.(2)The facility referred to in sub-section (1) may also be available by a member for taking one companion along with him in the Bus.(3)Every person who is entitled to pension under Chapter XI shall be entitled in the manner prescribed with a free non-transferable pass to travel at any place by the Uttarakhand Transport Corporation bus without payment of the passenger tax due under any law for the time being in force:Provided that if a person referred to travels in air conditioned bus or a deluxe bus, he shall pay himself the excess amount of fare difference.(4)The pass referred to in sub-section (3) may also be used by such person for taking one companion along with him in the bus.

Chapter IV

Incidental Charges and Daily Allowance

10. Incidental charges.

- Incidental charges shall be payable to every member at such rates and subject to such conditions and restrictions as may be prescribed, for his attendance in connection with his duties or functions as such member in the following cases, namely-(a)for journeys for attendance in each session of the Assembly, or at any sitting of any Committee thereof, as the case may be only for coming to the place of sitting and going back to the place of his residence, not more than twice in one calendar month:Provided that if a member attends the sitting of two or more Committees in the same calendar month, the incidental charges shall in no case be payable under this clause for more than four times in such month;(b)for journeys for attendance in any meeting called by the Chairman, for coming to the place of the meeting and for going back to the place of his residence;(c)for journeys performed by him as Chairman of any Committee, in connection with the work of such Committee other than a meeting of the Committee for coming to Dehradun and for going back to the place of his residence, not more than twice in one calendar month;(d)for journey for attendance in any meeting called by or under the authority of the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha or the Speaker of the Legislative Assembly or, as the case may be, the Chairman of the Legislative Council of any other State or by the Indian Institute of Parliamentary Studies or organised otherwise in connection with constitutional studies or any seminar or study course:Provided that such member is nominated to attend such meeting by the Chairman as defined in clause (b) of Section 2.Provided further that not more than five members shall be nominated for

attendance in any such meeting and no such nomination shall be made for more than twice in a year.

11. Daily Allowances.

(1) Every member, whether or not he holds any office referred to in clause (f) of Section 2 shall be entitled to daily allowance at the rate of [three thousand] [Substituted 'two thousand' by Uttarakhand Act No.15 of 2018.] per day which shall be calculated in accordance with the following principles, namely-(i) the allowance shall be payable for each day of attendance during the session of the Assembly, or at any sittings of any Committee thereof; (ii) the allowance shall also be payable for one day before and one day after, a continuous sitting of the Assembly as the case may be, provided that the member is present at the place of such continuous sitting on those days; (iii) the allowance shall also be payable for the days of adjournment in the course of a continuous sitting of the Assembly of its Committee, as the case may be, and for the holidays falling in between such continuous sitting, provided that the member is present at the place of sitting on all such days; (iv) the allowance shall also be payable for the number of days not exceeding four which intervene between the last day of a sitting of the Assembly or of its Committee, and the first day of the sitting of the same or another Committee or of the Assembly, as the case may be provided that the member is present at the place of sitting on all such days; (v) where in a case falling under clause (Hi) or clause (iv), a member leaves the place of sitting for his residence or for his constituency, he shall, notwithstanding anything contained in Section 10, be entitled to a daily allowance in accordance with the provisions of this section or incidental charges in accordance with Section 10, whichever is less; (vi) the allowance shall also be payable to a member for this visits to Dehradun as Chairman of any committee in connection with the work of such committee, other than the meeting of such committee, in case no such allowance is otherwise payable to him under any other provisions of this section: Provided that no such allowance shall be payable for more than two visits in a calendar month and for more than two days per such visit; (vi) the allowance shall also be payable for attendance in any meeting, seminar or study course referred to in clause (d) of Section 10; (2) Every member shall be entitled to daily allowance at the rate of two hundred fifty rupees per day for the days during which he tours for the works in the service of the public and for which the daily allowance under sub-section (1) or incidental expenditure under Section 10 are not, or may not be admissible. (3) Notwithstanding anything contained in sub-section (1), daily allowance at the rate of two hundred fifty rupees per day shall be payable to a member holding any office referred to in clause (f) of Section 2 and the Leader of Opposition for each day during the whole of the term in which he holds such office, except such days for which he claims daily allowance under sub-section (1). Explanation.-For the purposes of this section, a sitting shall be deemed to be continuous if the number of days between the last day of a meeting and the first day of another meeting is not more than four.

Chapter V

Secretarial Allowance

12. Secretarial Allowance.

- Every member of the assembly, whether or not he holds any of the office referred to in clause (f) of Section 2 including the leader of opposition shall be entitled to receive for the duration of his membership or, during the whole of the term in which he holds such office as the case may be secretarial allowance at the rate of [twelve thousand] [Substituted 'two thousand' by Uttarakhand Act No.15 of 2018.] rupees per month.

Chapter VI

Accommodation to Members

13. Arrangement of accommodation.

(1) Every member (including Parliamentary Secretary) shall be entitled, without payment of rent, to the use of such accommodation at Dehradun as may be provided to him for the duration of his membership and such further period as may be prescribed. (2) Each Member for whose use accommodation at Dehradun has been provided under subsection (1) shall immediately after the expiration of the period referred to in that sub-section, vacate such accommodation and an officer authorised by the State Government in this behalf may take possession of the accommodation and may for the purpose use such force as may be necessary in the circumstances. Explanation. - For the purposes of this sub-section 'Member' includes a person who has ceased to be a Member. (3) Where a member has not been provided with any accommodation, he shall be entitled to an accommodation allowance at the rate of three hundred rupees per month. Provided that in case government accommodation allotted to member such amount not be payable. (4) Where a member is provided with an accommodation the standard rent whereof is less than three hundred rupees per month, the difference thereof shall be paid to such member as compensatory accommodation allowance and where the standard rent of the accommodation so provided is more than the said amount the difference be chargeable from the member. Explanation. - A member shall be deemed to have been provided with an accommodation on the date when intimation about its allotment in his favour is given to him whether or not such member accepts the allotment or occupies the accommodation. Power of State government to make rules regarding to accommodation arrangement. (1) For the purposes of allotment of accommodation under Section 13, the State Government may make rules which shall provide for the following matters, namely- (a) laying down the standard of accommodation to which a member shall be entitled, (b) fixing the scale on which every such accommodation shall be furnished, (c) fixing standard rent of any accommodation. (d) making provision for payment by the State Government of all charges including charges for electricity and water and for regulating the supply of water and electricity in such accommodation. (2) The rules referred to in sub-section (1) may be made in respect of those members also who hold any of the offices referred to in clause (f) of Section 2.

Chapter VII

Provision of Loan to Members

15. Advance to Members.

- [The State Government may provide for grant of repayable advance of a sum not exceeding Rupees Fifty lac to any person who is a member, whether or not holds any office referred to in clause (f) of Section 2, or who had held office as a member of the Assembly, either for construction or purchase of housing accommodation and rupees not exceeding fifteen lacs for purchase of vehicle: Provided that the rate of interest shall be according to the rate of State Bank of India. Provided further that if advance with Interest is returned by any member then facility of readvance may be permitted on request of such member.] [Substituted by Uttarakhand Act No.15 of 2018.]

Chapter VIII

Telephone Facilities

16. Telephone facilities to Members.

- Every member shall be entitled to such facilities regarding telephone (mobile phone and basis phone) at Dehradun and the place of his normal residence or in his constituency as may be prescribed.

Chapter IX

Medical Facilities

17. Medical facilities.

- [Every member or ex-member, whether or not he holds any office mentioned in clause (f) of Section 2, rate of reimbursement of the medical expenditure of himself and the family members shall be permissible the rates of Central Government Health Service (C.G.H.S.) and facility of treatment in foreign shall be permissible on reference by the All India Institute of Medical Sciences.] [Substituted by Uttarakhand Act No.15 of 2018.]

Chapter X

Facilities to the Leader of Opposition

18. Salary, accommodation, conveyance and other facilities to the leader of Opposition.

- The Leader of Opposition shall be entitled to such salary, accommodation, conveyance and other facilities as are admissible to any member of the Council of Ministers under the provisions of Sections 3, 4, 5, 6, 7 and 8 of the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981 (as applicable in Uttarakhand State) and the provisions of the said sections and the rules relating thereto shall mutatis mutandis apply to the Leader of Opposition as they apply in relation to any member of the Council of Ministers.

Chapter XI

Pension to Ex-Members

19. Meaning of certain expressions.

- For the purposes of this Chapter-(a)the expression 'Assembly' shall include the United Provinces Legislative Assembly-(i)which was constituted and functioned as such under the Government of India Act, 1935, either before or after the commencement of the Indian Independence Act, 1947; or(ii)which functioned as a House of the provisional Legislature for the State under the Constitution of India.(b)the expression one year means any period of twelve calendar months;(c)The period during which a person has, by virtue of his membership in the Assembly, held any of the offices mentioned in clause (f) of Section 2 shall also be taken into account for determining the term of such membership.

20. Pension to ex-member.

(1)Every person who has served as a member of the Assembly for any period shall be entitled to a pension at the rate of [forty thousand] [Substituted 'twenty thousand' by Uttarakhand Act No.15 of 2018.] rupees month throughout his life:Provided that where any person has served as aforesaid for period exceeding one year, he shall be entitled to an additional pension at the rate of [two thousand] [Substituted 'one thousand' by Uttarakhand Act No.15 of 2018.] rupees per month for every completed year in excess of one year:Provided further that in the state of dissolution of legislative assembly, the time period from the date of legislative assembly will the first session of new legislative assembly shall be counted for the pension purposes for such a member who has been the speaker of the dissolved Legislative Assembly and has been holding his post in this form during the said period.Explanation. - Where a person has served as a member of the Assembly for the term of six months and above and has not completed one year then such person shall for the purpose of calculating the pension, be deemed to have served as a member for the year.(2)Where any person entitled to pension under sub-section (1) is also entitled to any other pension such person shall be entitled to receive the pension under sub-section (1) in addition to such pension.

21. Conditions of pension payable to certain persons.

- Where a person becomes entitled to pension or additional pension under this Act on the ground that he has served as a member of a Assembly, constituted or in existence before January 1, 1946 such pension or additional pension, as the case may be, shall be deemed to be admissible to such

person with effect from January 1, 1977.

22. Pension when not payable.

- Notwithstanding anything contained in Section 20, no person shall be entitled to any pension under this Chapter in the following cases, namely-(a)where any person is employed on a salary under the Central Government or any State Government or any Local Authority, or becomes otherwise entitled to any remuneration from any corporation owned or controlled by such Government or from a local authority, and such salary or remuneration is equal to or exceeds the amount of pension admissible under Section 20 per month and he continues to be so employed or entitled to such remuneration;(b)where any person is elected to the office of the President or Vice-President or is appointed to the office of Governor of any State or the Administrator of any Union Territory and continues to hold such office;(c)where any person is elected or nominated as a member of the Houses of Parliament and the Legislative Assembly of any State to be such member continues to hold such office;(d)where any person ceases to be a citizen of India.

23. Pension to be reduced in certain cases.

- Where in the circumstances mentioned in clause (a) of Section 22, a person is entitled to a pension, salary or remuneration amounting to less than the amount of pension admissible under Section 20 per month, then the pension payable to such person under Section 20 shall not exceed the amount by which such pension, salary or remuneration.

Chapter XII

Miscellaneous

24. Relinquishment of salary, etc.

- Any person entitled to any salary, allowance or other facilities under this Act may at any time relinquish the whole or any part of such salary, allowances or facilities by intimating in writing to the Speaker or the Chairman. Provided that any such relinquishment may be cancelled by him at any time, with prospective effect, by writing to the Speaker or the Chairman.

25. Recovery of Government and other dues from members bills.

(1)Where any Government dues (such as rent or charges for accommodation telephone dues, etc.) are reported, to be outstanding against a member and appropriate claims or bills in support thereof are received from the concerned authority, and such member fails to pay such dues, an amount equivalent to such dues, or where an advance has been provided by the Government to a member more than an amount equivalent to such advance or any installment thereof due from such member, together with interest, if any, shall be deducted by the Secretary from the salary or travelling or daily or compensatory accommodation or any other allowance bill of such

member.(2)In case of a person who has ceased to be a member or a person who is not a member at the time when any repayable advance has been provided to him by the Government, the amount referred to in sub-section (1) may be deducted from the amount of pension or any other amount payable to such person under this Act;Provided that if any other Government dues are reported against such person whether it is for the period of the membership or for the period he is not a member shall also be deducted from the pension of such person.(3)Ordinarily any non-Government dues outstanding against a member shall not be recovered from his salaries or allowances but where such dues are on account of certain services rendered to him in the course of his parliamentary duties, such as when he is on tour with a Committee, and the arrangements for such services have been made by or at the instance of semi-Government institutions or private parties at the request of officers of the State Legislative Assembly, and such member fails to pay such dues, recovery thereof may be effected from the salary or travelling or daily allowances bills of such member.

26. Power to remove difficulties.

- The State Government may, for the purpose of removing any difficulty, particularly in relation to the transition from the provisions of the enactments repealed by Section 28 to the provisions of this Act, by order published in Official Gazette, direct that the provisions of this Act shall during such period as may be specified in the order, have effect subject to such adaptations whether by way of modification, addition or omission as it may deem to be necessary or expedient:Provided that no such order shall be made after the expiry of two years from the commencement of this Act.(2)Every order made under sub-section (1) shall be laid, before the State Legislative Assembly.(3)No order under sub-section (1) shall be called in question in any court on the ground that no difficulty as is referred to in sub-section (1) existed or required to be removed.

27. Rule making power.

- The State Government may by notification, make rules to carry out the purposes of this Act.

28. Repeal and occupation.

(1)The Uttarakhand [the Uttar Pradesh Legislative Assembly (Members' emoluments and pension) Act, 1980] adaption and transition order, 2007 is hereby repealed.(2)Notwithstanding such repeal, in refer Act of sub-section (1), any action or proceeding taken under the provision of the Principal Act as amended, the act or proceeding under this Act shall be deemed to be subject to the same provisions as if all the provision of this Act was in force at the substantial time.