

# Salaries and Allowances of Members of The Legislative Assembly (Manipur) Act, 1972

MANIPUR

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### Act 5 of 1972

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Salaries and Allowances of Members of The Legislative Assembly (Manipur) Act, 1972(Manipur Act No. 5 of 1972)Last Updated 18th February, 2020[Dated 24.06.1972]An Act to provide for the salaries and allowances of Members of the Legislative Assembly of Manipur.Be it enacted by the Legislative Assembly of Manipur in the Twenty - third Year of the Republic of India as follows:

### 1. Short title and commencement.

(1)This Act may be called the Salaries and Allowances of Members of the Legislative Assembly (Manipur) Act, 1972.(2)It shall be deemed to have come into force on the twentieth day of March, 1972.

### 2. Definitions.

- In this Act unless the context otherwise requires-(a)"Assembly" means the Legislative Assembly of Manipur;(b)"Committee" means a Committee of the Assembly;(c)"Controlling Officer" means the Secretary to the Assembly or any other officer as may be appointed by the State Government to exercise the powers and functions of the Controlling Officer;(d)"day" means a period of 24 hours beginning at midnight;(dd)[ "Family" in relation to a Member means his wife residing with him and legitimate children and stepchildren residing with and wholly dependent on him. Not more than one wife is included in a family for the purposes of this Act. If the Member is a married women, "Family" will include her husband residing with her;] [Inserted by the House at the time of passing the Bill on 26.4.1972.](e)"form" means a form appended to the Second Schedule;(f)"Member" means a member of the Assembly but save as otherwise expressly provided in this Act, does not include-(i)A Minister as defined in the Salaries and Allowances of Minister (Manipur) Act, 1972; and(ii)the Speaker and Deputy Speaker as defined in the Salaries and Allowances of the Speaker and Deputy Speaker of

Legislative Assembly (Manipur) Act, 1972.(g)"period of residence on duty" means the period during which a member resides at a place where a session of the Assembly or a sitting of Committee is held, or where any other business connected with his duties as such member is transacted for the purpose of attending such session or sitting for the purpose of attending such other business and includes, except in the case of a member who ordinarily resides at the place where a session of the Assembly or a sitting of the Committee is held or where any other business connected with his duties as such member is transacted:-(i)in the case of a session of the Assembly, a period of such residence not exceeding three days immediately preceding the commencement of the session and a period of such residence not exceeding three days immediately succeeding the date on which the Assembly is adjourned sine die or for a period exceeding seven days, and(ii)in the case of a sitting of a Committee or any other business, a period of such residence not exceeding two days immediately preceding the commencement of business of the Committee or other business and a period of such residence not exceeding two days immediately succeeding the conclusion of the Committee or other business;(h)"Schedule" means a Schedule appended to this Act;(i) ["term of Office" in relation to a member means where such member is a member elected in a general election held for the purpose of constituting a new Assembly or in a by election to the Assembly, the period beginning with the date of publication of the notification setting out the results of such general election or bye-election;] [Substituted by Manipur Act No. 7 of 1990 (Thirty fifth Amendment).](j)"Usual place of residence" in relation to a member means the place where the member personally resides or works for gain within the State of Manipur;(k) ["Territorial Council" means the Council constituted under the Territorial Council Act, 1956 in Manipur.] [Inserted by Manipur Act No. 8 of 1977 (Second Amendment).]

### **3. Salaries and Allowances.**

- A member shall be entitled to receive a salary at the rate of [Rs. 6750/- (Rupees six thousand seven hundred fifty) only] [Substituted by Manipur Act No. 12 of 2005 (Seventeenth Amendment).] per month during the whole of his term of office and an allowance at the rate of [Rs. 350/- (Rupees three hundred fifty) only] [Substituted by Manipur Act No. 12 of 2005 (Seventeenth Amendment).] within the State and [Rs. 500/- (Rupees five hundred) only] [Substituted by Manipur Act No. 12 of 2005 (Seventeenth Amendment).] outside the State for each day during any period of residence on duty; Provided that the Leader of Opposition shall be paid such salary, conveyance allowance, entertainment allowances and travelling and daily allowance shall be entitled to such amenities regarding residence and motor car as are provided for a Minister under the Salaries and Allowance of Minister (Manipur) Act, 1972. Explanation. - For the purpose of this proviso 'a Minister' means a Cabinet member of the Council of Ministers : Provided further that the Leader of the Opposition in receipt of a salary or allowances under this section shall not be entitled to receive any sum out of the funds provided by the Assembly by way of Salaries and Allowances to members thereof. Explanation I. - Daily allowance shall be admissible to a member for each day during any period of residence on duty irrespective of the time of the arrival or departure. Explanation II. - "Leader of the Opposition" means that a member of the Manipur Legislative Assembly who is for the time being the Leader in the State Assembly or the party in opposition to the State Government having the greatest numerical strength in the said Assembly. Explanation III. - If any doubt arises as to which is or was at the material time the party in opposition to the State Government having the greatest numerical

strength in the Manipur Legislative Assembly or as to who is or was at any material time the Leader in the said Assembly of such a party, the question shall be decided for the purpose of this Act by the Speaker of the said Assembly, and his decision, certified in writing under his hand, shall be final and conclusive.

#### **4. [ Constituency, Contingency and entertainment allowance. [Substituted by Manipur Act 8 of 1998 (sixteenth Amendment).]**

- A member shall be entitled to a Constituency allowance of [Rs. 5250/-], a Constituency allowance of [Rs. 4500/-] [Substituted by Manipur Act 12 of 2005 (seventeenth Amendment).] and an entertainment allowance of [Rs. 2250/-] [Substituted by Manipur Act 12 of 2005 (seventeenth Amendment).] per month in addition to salaries and allowances as specified under section 3.]

#### **5. Travelling Allowance.**

(1) There shall be paid a travelling allowance to each member in respect of every journey performed by him for the purpose of attending a session of the Assembly or a meeting of the Committee or for the purpose of attending any other business connected with his duties as a member from his usual place of residence to the place where the session or the meeting is to be held or other business is to be transacted and for the return journey from such place to his usual place of residence [at the rate of Rs. 250/-] [Substituted by Manipur Act 8 of 1998 (sixteenth Amendment).] (2) Notwithstanding anything contained in sub-section (1), a member who performs a journey by road between places connected by rail, either wholly or in part may draw the road mileage at the rates admissible to Class-I Officer [of the highest grade] [Inserted by Manipur Act 8 of 1998 (sixteenth Amendment).] in connection with the State Government of Manipur in respect of journey on tour; Provided that the total amount of travelling allowance drawn by such member for the entire journey shall not exceed amount, which should have been admissible to him, had he performed the journey by rail or steamer, as the case may be. (3) [ A member on official tour outside the State inside India or aboard, shall be given daily allowance at the rates prescribed [under sub-section (3)] [Inserted by Manipur Act 9 of 1979 (Fourth Amendment).]: [Provided that a member shall be entitled to travel to anywhere in India once in a financial year for such work so as to enable him to discharge his duties and functions as approved by the speaker upto maximum ceiling of Rs. 50000, only to be provided by the assembly secretariat.] [Inserted by Manipur Act 9 of 1979 (Fourth Amendment) and Substituted by Manipur Act 12 of 2005 (seventeenth Amendment).] ] (4) [ A member shall be entitled to the services of [(Two Drivers and one personal Assistant)] [Inserted by Manipur Act 8 of 1983 (Eighth Amendment).] on payment of a consolidated pay of [Rs. 4000/-] [Substituted by Manipur Act 12 of 2005 (seventeenth Amendment).] each per month who shall be appointed at his pleasure during the term of his office.]

#### **6. Travelling Allowance for intermediate journey.**

- Where a member absents himself for less than seven days during a session of the Assembly or a sitting of a Committee for visiting any place in the State of Manipur, he shall be entitled to receive

travelling allowance in respect of such journey such place and for the return journey under Section 5. Provided that such travelling allowance shall not exceed the total amount of daily allowance which would have been admissible to such member under section 3 for the days of absence if he had not remained so absent.

## **7. Allowances during short intervals between termination of session and commencement of another session etc.**

- Where the interval between the adjournment of the Assembly or, as the case may be, one sitting of a Committee and the re-assembly of that Assembly or the next sitting of the Committee at the same place does not exceed three days and the member concerned elects to remain at such place during the interval he shall be entitled to draw for each day of residence at such place a daily allowance at the rate specified in section 3; Provided that if the member leaves such place during the interval, his absence from the place shall be treated as absence during a session of the Assembly or a sitting of the Committee, as the case may be, and the provision of section 6 shall apply accordingly.

## **8. Special Provisions.**

- In the special circumstances specified in the First Schedule, this Act apply subject to the provisions of that Schedule.

## **9. Procedure.**

- The provisions of the Second Schedule shall apply in respect of claims for salary and allowances. -

## **10. Medical treatment etc. to Members.**

- A Member and members of his family shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment in accordance with the Medical Attendance Rules, as amended from time to time, applicable to a Class-1 Officer serving in connection with the State of Manipur.

## **11. [ Housing facility. [Substituted by Manipur Act No. 8 of 1983 (Eight Amendment).]**

- A member shall be entitled , without payment of rent to the use of such furnished residential accommodation as may be prescribed during the term of his office and for a period of fifteen days immediately thereafter, and no such charge shall fall on the member personally in respect of the maintenance of such accommodation:] Provided that there shall be paid a compensatory allowance of [Rupees one thousand and five hundred] [Substituted by Manipur Act 12 of 2005 (seventeenth Amendment).] per month to a Member so long as such accommodation is not allotted or available.

## **11A. [ Pension. [Inserted by Manipur Act No.8 of 1977 (Second Amendment).]**

(1) There shall be paid a pension of [Rs. 8500/-] per mensem to every person who have served for a period of not less than five years whether continuous or not as a member of the Assembly: Provided that Where a member has been prevented from serving as such for five years on account of dissolution of Legislative Assembly or where a member having been elected in a bye-election has not served for five years or having been prevented from serving full term of office on account of resignation of his seat, he shall be deemed to have served as a member for five years and this deeming provision shall not apply for the purpose of earning additional pension under this section; Provided further that where any person has served as aforesaid for a period exceeding five years, there shall be paid to him 2[an additional pension of [Rs. 500/-] [Substituted by Manipur Act 12 of 2005 (seventeenth Amendment).] per mensem for every year in excess of five]; Provided also that any period exceeding six months but less than one year shall be deemed to be a year for the purpose of the payment of additional pension. [Explanation. [Substituted by Manipur Act No. 8 of 1989 (Twelfth Amendment).] - (i) the first Manipur State Assembly or Constituent Assembly before the fifteenth October nineteen forty nine anodomini; (ii) the erstwhile Legislative Assembly of Manipur before the Constitution of the Territorial Council under the Territorial Councils Act, 1956; (iii) the erstwhile Legislative Assembly of Manipur constituted under the Government of Union Territories Act, 1963 (20 of 1963); and (iv) the Territorial Council constituted under the Territorial Council Act, 1956.] (2) Where any person entitled to pension under sub-section (1)-(i) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or Administrator of any Union Territory; or (ii) become a Member of the Council of States or the House of the People or any Legislative Assembly of a State or a Union Territory or Legislative Council of a State; or (iii) is employed on a salary under Central Government or any State Government or in a Corporation owned or controlled by the Central Government or any State Government or local authority or becomes otherwise entitled to any remuneration or from Central or State Government, Corporations or local authority; Such person shall not be entitled to any person under sub-section (1) for the period during which he continues to hold such office or as 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 (iii) payable to such person is in either case less than the pension payable to him under sub-section (1), such persons shall be entitled only to receive the balance as pension under that sub-section. (3) 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 other pension; (4) In computing the number of years for the purposes of sub-section (1) the period during which a person has served as a Minister, as defined in the Salaries and Allowances of Ministers (Manipur) Act, 1972 or the Speaker or the Deputy Speaker or the Vice-Chairman of the State Planning Advisory Board or the Parliamentary Secretary and the Chairman of Hill Areas Committee of the Assembly shall also be taken into account. (5) [ In computing the number of years for the purpose of sub-section (1) the period shall be taken into account from the date of declaration of the election of the member.] [Inserted by Manipur Act 12 of 2005 (seventeenth Amendment).]

### **11AA. [ [Inserted by Manipur Act No. 4 of 1981 (Sixth Amendment).]**

[(1) Subject to such rules as may be prescribed, where a person eligible to pension under sub-section (1) of section 11 -A dies, there shall be paid to his / her family, a family pension of [fifty per cent of pension of ex member] per mensem.Explanation. - For the purpose of this sub-section 'Family' means the following relatives of the deceased member, namely, -(a)Wife / husband till her /his re-marriage; and(b)Minor son/daughter.](2)The family pension admissible under sub-section (1) shall be payable in the following order,-(a)Wife or the husband; and/ or(b)the eldest among the minor sons or unmarried minor daughters, where the deceased member has nor serving, 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 hierarchy;Provided further that not more than one spouse is eligible in a family for the purposes of this section.](3)[ Notwithstanding anything contained in the Act, the family of a member who dies on or before 22-5-1977 shall be entitled to receive the family pension under the Act with effect from 1- 10-1992 and at the revised rate from the commencement of the salaries and Allowances of Members of the Legislative Assembly (Manipur) Fifteenth Amendment Act, 1995 (i.e.21-12- 95)] [Inserted by Manipur Act No. 6 of 1995 (Fifteenth Amendment).].

### **11B. Telephone facility and allowances.**

(1)A member of the Assembly shall be given telephone facility by installing telephone in his residence at the cost of the State Government provided the member resides wherever telephone facility is available within the State, subject to such condition as may be prescribed by rules or orders made under this Act.(2)[ A member of the Legislative Assembly shall be entitled to a telephone allowance of [Rs. 7000/-] [Inserted by Manipur Act No. 9 of 1979 (Fourth Amendment).] per mensem for use in making payment towards the additional telephone charges which he has to bear being beyond the fixed free calls so allowed to subscribers.]

### **11C. Transport facility.**

- Every member of the Assembly shall be provided with one free non- transferable pass entitling him to travel at any time in any part of the State of manipur by such transport service, in such class of accommodation, subject to such conditions as may be prescribed by rules or order made under this Act.

### **11D. [ Motor Car and House building advance. [Inserted by Manipur Act No.7 of 1988 (Eleventh Amendment).]**

- [A member shall be entitled to vehicle/housing loan to a maximum of Rupees ten lakhs which shall be recoverable from his salary with interest as prescribed by the government, during the term of membership and the remaining balance if any from his pension.] ]

**11E. [ Power to recover Government dues. [Inserted by Manipur Act No. 7 of 1990 (Thirteenth Amendment).]**

- All Government Dues recoverable from a member may be adjusted against the pensionary benefits, which may be entitled to such a member.]

**11F. [ Water and Electricity facilities. [Inserted by Manipur Act No. 6 of 1993 (Fourteenth Amendment).]**

- [The water and electricity charger of a member upto Rupees 4500/- per mensem shall be borne by the Assembly Secretariat and excess of which will be paid by member concerned].]

**12. Power to make rules.**

(1)The State Government may, by notification in the Official Gazette, make Rules for carrying out the purposes of this Act.(2)[ In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,-(a)the form in which and the authority to which application for pension shall be made;(b)the certificates to be furnished along with an application for pension;(c)any other matters which has to be or may be prescribed.](3)Every Rule made under this Act shall be laid as soon as may be after it is made, before the Assembly while it is in session for a total period of not less than fourteen 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 laid or the sessions aforesaid, the Assembly makes any modification in the Rule or decides that the Rule should not be made, the Rule 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 amendment shall be without prejudice to the validity of anything previously done under that rule.

**13. Repeal of Manipur Act No. 6 of 1964.**

- The Manipur Legislative Assembly Members (Salaries and Allowances) Act, 1964 is hereby repealed.First Schedule(See Section 8)

**1. Admissibility of travelling allowance where a member is provided with free transport for the while or part or the journey. No travelling allowance under section 5 shall be claimed by a member in respect of any journey or part thereof performed by him in a conveyance provided at the expenses of the Government or a Local fund, but he shall be entitled to drawn allowance at the rate of rupees three only per deem where the duration of such journey lasts for not less than six hours on any day:**

Provided that the provision of this rule shall not apply to the journey performed on any railway.Note. - The amount to rupees three is granted to the member to cover his incidental

expenses during such journey or part thereof and in lieu of the extra road mileage when he performs the journey by a conveyance supplied without charge. This allowance is not an alternative to the daily allowance admissible under section 3 which is allowed to him where admissible for each day during any period of residence on duty.

**2. Admissibility of Travelling Allowance where the place from which a member performs his journey or to which in returns, is not his usual place of residence. - (1) Where a member performs a journey for the purpose of attending a session of the Assembly or a meeting of a Committee or the purpose of attending to any other business connected with his duties as a member from a place other than his usual place of residence or returns to such place, he may draw travelling allowance for the actual journey performed or the journey from or to his usual place of residence whichever is less.**

(2) Where during a session of the Assembly or a sitting of a Committee, a member performs a journey from the place where such session or sitting is held to any other place for the purpose of attending to any business connected with his duties as a member he shall be entitled to receive - (a) travelling allowance, in respect of such journey to such other place and return journey, at the rates specified in section 5, and (b) daily allowance for each day during any period of residence on duty at the other place at the rates specified in section 3.

**3. Regulation of the payment of daily and travelling allowance. - (1) Notwithstanding that a member has not taken his seat in the Assembly to which he is elected or nominated, he shall be entitled to receive travelling allowance for the journey performed by him for the purpose of taking his seat in the Assembly.**

(2) For absence for a period of seven days or more during a session of the Assembly or a sitting of Committee for visiting any place in Manipur no travelling or daily allowance will be admissible. The period of absence of a member shall be reckoned in terms of days beginning and ending at midnight. Explanation. - If a member comes back on the seventh day whether in the forenoon or in the afternoon, his absence shall be treated as being less than seven days. (3) The term 'during a session' or 'a sitting of a Committee' occurring in section 6 and in sub-rule (2) of this rule does not include the period of three days immediately preceding the commencement of and three days immediately succeeding the end of the session or two days immediately preceding the commencement of the business and two days immediately succeeding the conclusion of the business of the Committee. (4) If a member leaves the place where the session of the Assembly or a sitting of a Committee is held before the commencement of the interval between the adjournment of the session or the sitting of the Committee sine die and the commencement of another session or sitting; Such interval not exceeding a period of three days, his absence from that place shall be treated as



intermediate absence during a session of the Assembly or a sitting or a Committee, as the case may be, and the provision of section 6 of this Act shall apply accordingly.(5)Travelling allowance for a return journey to his usual place of residence shall be admissible to a member who leaves the place of a session of the Assembly or a sitting for a Committee during the continuance of each session or sitting and returns to the place of session or sitting after conclusion of the business of the session or the sitting; as the case may be, before finally returning to his usual place of residence.(6)All cases regarding the admissibility of travelling allowances to a member who arrives at the place where a session of the Assembly or a sitting of a Committee is held, without knowledge of the postponement of the session or the sitting, including cases of such members who arrive after the session or a sitting is adjourned suddenly shall be determined by the Speaker of the Assembly having regard to the circumstances of each case.(7)Where a member is provided with free boarding and loading at the expenses of the Government or a Local Fund, he shall be entitled to receive only half of the daily allowance admissible to him under section 3. If only boarding or lodging is allowed free to the member, he shall be entitled to receive three- fourths of the daily allowance admissible to him under that section.Second Schedule(See Section 9)Procedural Provisions. - (1) Every member shall, as soon as possible after he is elected or nominated , declared his usual place or residence to the Controlling Officer and any subsequent change in the usual place of residence so declared shall be notified to the Controlling Officer in Form 'A'.(2)A member who claims any travelling or other allowances under this Act shall support his claim by a certificate in the following form, namely:"Certified that no travelling allowance in respect of the journey or daily allowance for the period mentioned in this Act has been or will be claimed from any other official source".(3)Where no part of the journey is performed by a conveyance provided at the expenses of Government or a Local Fund, the following certificate shall be furnished, namely:"Certified that I have performed any part of the journey by a conveyance provided at the expenses of the government of a Local Fund".(4)After completing each final return journey on termination of the a session of the Assemble or a sitting of a Committee or any other business connected with his duties as a Member, a member shall furnish s certificate in Form 'B'.(5)Ordinarily, any non-government dues outstanding against a member shall not recovered from his salaries and allowances but where such dues are on account of certain services rendered to him in the course off his duties as a member, such as, where he is on tour with a Committee, and the arrangement for such services has been made by or at the instances of semi-government institutions or private parties at the request of officers of the Assembly, and where such member, inspite of repeated requests, has foiled to make payment of such dues, recovery thereof may be effected from the salary or travelling or daily allowance bill of such member.Form "A"(See rule 1 of the Second Schedule)I have changed my usual place of residence from

\_\_\_\_\_ to \_\_\_\_\_ with effect from \_\_\_\_\_ owing to \_\_\_\_\_  
(here state the reasons).I may hence forwarded be allowed travelling allowance from \_\_\_\_\_Signature

\_\_\_\_\_Constituency No \_\_\_\_\_Date

\_\_\_\_\_Form "B"(See rule 4 of the Second Schedule)Departure and Return Journey Certificate(This certificate may be kindly be filled in, signed and returned to the Secretary, Legislative Assembly, as soon as possible, after the completion of the Return journey)(1)Certified that I performed the return journey under section 5 of the Salaries and Allowances of Members of the Legislative Assembly (Manipur ) Act, 1972

\_\_\_\_\_ (Place) on the ..... date, I arrived at \_\_\_\_\_

(Place) on the \_\_\_\_\_ (date). (2) Certified that I have not performed any part of journey (other than the railway journey) by a conveyance provided at the expenses of the Government or a local fund (3) Certified that I actually travelled by air from \_\_\_\_\_ (Place) to \_\_\_\_\_ (Place) by Flight No. \_\_\_\_\_ payment of the supplementary bill is required at \_\_\_\_\_ (Station). Station \_\_\_\_\_ Dated..... Member of the Legislative Assembly Constituency No. [Inserted by Manipur Act No. 8 of 1977 (Second Amendment).]