

The Haryana Legislatives Assembly (Allowances and Pension of Members) Act, 1975

HARYANA

India

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Act 2 of 1975

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The Haryana Legislatives Assembly (Allowances and Pension of Members) Act, 1975 Haryana Act No. 2 of 1975 Statement of Objects and Reasons. - The Punjab Legislative Assembly (Allowances of Members) Act, 1942 is an old Act of composite Punjab State which provides for the allowances of the members of legislative assembly. It has now been deemed expedient to re-enact the measure in its application to the State of Haryana. However the following sections of the original Act have been deleted as these have become redundant :- (i) Proviso to section 3(1). (ii) Clause (b) of section 3(4). (iii) First proviso to section 4. In section 5(b)(ii) of the Bill the rate of halting allowance of the members has been enhanced from thirty-five rupees per day to forty-five rupees per day. Published vide Haryana Government Gazette (Extraordinary), dated the 27th December, 1974, pages 1839-40. Received the assent of the Governor of Haryana on the 21st January, 1975, and first published for general information in the Haryana Government Gazette (Extraordinary), Legislative Supplement Part I of 22nd January, 1975. An Act to provide for [allowances and pension] [Substituted by Haryana Act 6 of 1977.] of members of the Haryana Legislative Assembly. Be it enacted by the Legislature of the State of Haryana in the Twenty-fifth Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Haryana Legislative Assembly (Allowances and Pension) of Members Act, 1975.] [Substituted by Haryana Act 6 of 1977.]

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a) "Assembly" means the Haryana Legislative Assembly; (b) "committee" means a select committee or other committee of the

Assembly and includes any committee appointed by the State Government for a purpose connected with the business of the Government;(c)"Deputy Speaker" means the Deputy Speaker of the Assembly;(cc)["Government Chief Whip" means that member who is Chief Whip for the time being in the Assembly of the party in Government having the greatest numerical strength in the Assembly;] [Inserted by Haryana Act No. 4 of 2019, dated 21.1.2019.](d)"Leader of the Opposition" means the member of the Assembly who is for the time being recognized as such by the Speaker of the Assembly;(e)"member" means a member of the Assembly other than a Minister, or the Speaker, or the Deputy Speaker;(f)"meeting" means a meeting of the Assembly or of a committee thereof;(g)"prescribed" means prescribed by rules made under this Act;(h)"Speaker" means the Speaker of the Assembly.

3. Compensatory Allowances.

(1)Subject to the conditions herein contained there shall be paid to each member from the date on which he takes oath a compensatory allowance [at such rates as may be prescribed.] [Substituted by Haryana Act 16 of 1997.](2)If a member -(a)fails to attend at least ninety per centum of the total number of meetings held in any month, or(b)elected during the course of a month fails to attend at least ninety per centum of the total number of meetings held in that month subsequent to the date on which he takes his oath,he shall not for that month be paid any compensatory allowance other than an allowance [at such rates as may be prescribed] [Substituted by Haryana Act 16 of 1997.] for every meeting actually attended by him as such member unless he satisfies the Secretary of the Assembly that he was prevented by reason of ill-health or any other sufficient cause from attending the required number of meetings :Provided that no member who draws the compensatory allowance prescribed in this sub-section shall receive a sum greater than ninety per centum of the amount that would be due to him in any one month under sub- section (1) had he attended the requisite number of meetings.(3)[Wherein any month there have been no meetings or no meeting is held after the election of a member during the course of a month, the member shall be paid full compensatory allowance for such month.] [Substituted by Haryana Act 16 of 1997.](4)Notwithstanding anything herein before contained, no compensatory allowance shall be paid to any member in respect of any period during which he was under legal detention [under any law other than the Maintenance of Internal Security Act, 1971] [Substituted by Haryana Act 19 of 1977.] for the time being in force.[Explanation. - For the purposes of this section, the term "member" shall not include the Leader of Opposition, Chief Parliamentary Secretary or Parliamentary Secretary.] [Added by Haryana Act 5 of 1999.][3A. Constituency allowance. - Notwithstanding anything contained in any other law for the time being in force, there shall be paid to each member a constituency allowance at the rate of [of eight thousand rupees per mensem or as may be prescribed.] [Inserted by Haryana Act 23 of 1975.]Explanation :- For the purposes of this section a member shall include the Chief Minister, a Minister, a Minister of State, a Deputy Minister, the Speaker, Deputy Speaker, the Chief Parliamentary Secretary and a Parliamentary Secretary.][3B. Sumptuary allowance. - There shall be paid to each member a sumptuary allowance of one thousand rupees per mensem or as may be prescribed from time to time.

3C. Office allowance.

- There shall be paid to each member an office allowance of two thousand five hundred rupees per mensem or as may be prescribed. Provided that an office allowance to maintain office in his constituency/District shall be paid to the Leader of Opposition at such rate as is admissible to a minister under the Haryana Salaries and Allowances of Ministers Act, 1970.] [Substituted as 3B and 3C inserted by Haryana Act 16 of 1998.]

4. Special provision regarding Leader of the Opposition.

(1) In addition to the allowances payable under this Act, the Leader of the Opposition shall be entitled to receive a salary of [Eleven] [Substituted by Haryana Act 16 of 1998.] thousand rupees [and a sumptuary allowance at the rate as may be prescribed] [Substituted by Haryana Act 16 of 1997.] per mensem. (2) He shall also be entitled without payment of rent to the use of a furnished residence at the headquarters of the State Government throughout his term of office and no charge shall fall on him personally in respect of the maintenance of such residence or, in lieu of such residence, shall be entitled to be paid such allowance not exceeding three hundred rupees per mensem as the State Government may determine. (2A) [He shall also be entitled to a conveyance allowance at the rate of [Ten thousand] [Inserted by Haryana Act 37 of 1980 w.e.f. 1.7.1980.] rupees per mensem or in lieu thereof a State car, the expenses on the maintenance and propulsion of which shall be borne by the State Government subject to such restrictions as may be imposed by the State Government, from time to time, for the use of State cars by the Ministers : Provided that the maintenance and propulsion expenses of the State car in use by him shall not be subject to the limit of [ten thousand] [Substituted by Haryana Act No. 16 of 1998.] rupees per mensem. (2B) He shall further be provided with a telephone at his residence at the headquarters of the State Government, at the expense of the State Government, subject to such restrictions as may be imposed by the State Government, from time to time, for the use of residential telephones by the Ministers. (2C) [He shall further be entitled to stationery and stamps or incur expenditure thereon upto the value of not more than two thousand and four hundred rupees per annum. (2D) He shall also be entitled, while on tour, to daily allowance, as admissible to a Minister. (2E) Notwithstanding anything to the contrary contained in this Act, the Leader of the Opposition shall not be entitled to daily allowance for attending meetings of the committees of the Haryana Legislative Assembly.] [Inserted by Haryana Act 8 of 1984.] (3) He shall further be provided with the following staff, namely :-(i) a personal assistant; and (ii) a peon. (4) The salary and allowance referred to in [sub-sections (1), (2) and (2A)] [Substituted by Haryana Act 37 of 1980. w.e.f. 1.7.1980] respectively shall be exclusive of the tax payable in respect thereof under any law relating to income-tax payable in respect thereof under any law relating to income-tax for the time being in force and such tax be borne by the State Government. Explanation. - For the purposes of this sub-section, the salary and allowance received by the Leader of the Opposition during any financial year shall be deemed to be his only income for that financial year.

4A. [Special provisions regarding Government Chief Whip. [Inserted by Haryana Act No. 4 of 2019, dated 21.1.2019.]

(1)The Government Chief Whip shall be entitled without payment of rent to the use of a furnished residence at the headquarter of the State Government throughout his term of office and no charge shall fall on him personally in respect of the maintenance of such residence or in lieu of such residence shall be entitled to be paid such allowance not exceeding five thousand rupees per mensem as the State Government may determine.(2)He shall also be entitled to a conveyance allowance at the rate of ten thousand rupees per mensum per car or in lieu thereof, two State cars, the expenses on the maintenance and propulsion of which shall be borne by the State Government subject to such restrictions, as may be imposed by the State Government, from time to time, for the use of State cars by the Ministers:Provided that the maintenance and propulsion expenses of the State cars in use by him shall not be subject to the limit of ten thousand rupees per mensem.(3)He shall further be provided with the following staff, namely: -(i)One Private Secretary;(ii)One Assistant;(iii)Two Drivers;(iv)Four Personal Security Officers; and(v)Two Peons.Explanation. - If any doubt arises as to which is or was at any material time the party in the Government having the greatest numerical strength in the Assembly or as to who is or was at any material time the Government Chief Whip in that Assembly of such a party, the question shall be decided by the Speaker and his decision in writing shall be final and conclusive.][5. Other allowances. - (1) Subject to such conditions and limitations as may be imposed by rules made under this Act, there shall be paid] [Section 5 renumbered as sub-section (1) by Haryana Act 16 of 1980.] -(a)to the Speaker and the Deputy Speaker such travelling and halting allowances [as admissible to a Minister] [Substituted for 'as may be prescribed' by Haryana Act No. 9 of 2002.]; and(b)to each member -(i)such travelling allowances as may be prescribed;(ii)a halting allowances at the rate of [at the rate of rupees five hundred per day or as may be prescribed] [Substituted for the words 'at the rate as may be prescribed per day' by Haryana Act No. 9 of 2002.] per day for each day of attendance at a meeting of the Assembly or committee or in respect of journeys undertaken under the orders of the Speaker for any other business anywhere connected with his duties as a member:[* * * * *] [Omitted by Haryana Act 24 of 1975.]Provided further that if a member has been ordered to absent himself from a meeting or meetings of the Assembly under the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly for the time being in force, he shall not be entitled for such period of absence to the allowance :Provided further that a member shall also be entitled to halting allowance, -(1)where he arrives for attending a meeting of the Assembly one or two days earlier to the date of such meeting, or departs from the place of such meeting one or two days immediately after the date on which the Assembly is adjourned sine die, for such one or two days, as the case may be, of arrival and departure; and(2)where he arrives for attending a meeting of a committee one day earlier to the date of such meeting, or departs from the place of such meeting one day immediately after the conclusion of the business of the committee, for such one day of arrival and departure;(iii)an incidental allowance [at the rate as may be prescribed] [Substituted by Haryana Act 16 of 1997.] for the day of departure from and an incidental allowance [at the rate as may be prescribed] [Substituted by Haryana Act 16 of 1997.] per day for the day of arrival at the usual place of residence of the member when he leaves his usual place of residence to attend a meeting and returns thereto after the meeting.Explanation - A break of less than four days between two successive meetings of the Assembly or committee shall be deemed to be a day or days of attendance

for a member who does not leave the place of the meeting during such break; Provided that nothing in this section shall entitle the Speaker or the Deputy Speaker or any member to any travelling or halting allowance if such person ordinarily resides or carries on business at any place within five miles of the place at which his attendance is required in connection with his duties as Speaker or Deputy Speaker or member, as the case may be. (2) [Nothing in sub-section (1) shall debar a member from claiming halting allowance under that sub-section for the day of the meeting merely on the ground that the meeting was adjourned for want of quorum or cancelled for any reason whatsoever, if the member came to know of such adjournment or cancellation after arriving at the place of the meeting.] [Inserted by Haryana Act 16 of 1980.]

6. Amenities.

(1) A member shall be entitled to such residential accommodation on concessional rates at the place of sitting of the Assembly as may be prescribed. (2) [Every member shall, at the expense of the State Government, be provided with a telephone, at his option, either at his permanent place of residence or at Chandigarh or if for any reason such facility cannot be provided at such place, at any other place, specified by the member.] [Substituted by Haryana Act 37 of 1980.] (3) [A member provided with a telephone under sub-section (2) shall be paid an allowance of rupees [rupees ten thousand] [Substituted by Haryana Act 16 of 1998.] per mensem or as may be prescribed.][Explanation. - For the purposes of sub-sections (2) and (3), a Member shall include the Chief Minister, a Minister, a Minister of State, a Deputy Minister, the Speaker, the Deputy Speaker, the Chief Parliamentary Secretary and a Parliamentary Secretary.] [Substituted by Haryana Act 24 of 1975.]

7. Free transit by railway or State Transport Undertakings.

(1) Every member shall be provided with -(a) [the facility of free travel which shall entitle him (including members of his family) to travel to [any place in India (or outside India) [Substituted by Haryana Act 7 of 1997.] through any mode of transport. He shall be reimbursed the actual expenses incurred by him for undertaking such journey subject to a maximum of [[one lac and twenty-five thousand rupees] [Substituted by Haryana Act 16 of 1998.] or as may be prescribed] per annum.] Provided that if the journey is performed by the member and his wife or any other person accompanying him to look after and assist him, by air- conditioned coach or by air, the difference between the cost of such travel and the first class railway fare shall be adjusted against, the amount payable to the member, in respect of his total entitlement of twenty-five thousand kilometres of travel by rail aforesaid : Provided further that a member making use of the State car, allotted to him, for a private purpose, may get the distance travelled by him therein, adjusted against the limit of twenty-five thousand kilometers. While making the adjustment, the first class railway fare payable to him for the journey shall be adjusted against the hire charges recoverable in respect of it at the rates prescribed by the State Government;] (b) [(i) two free non-transferable passes which shall entitle him and his wife or any other person accompanying him to travel at any time by any public service vehicle of Haryana State Transport Undertaking, including deluxe coach, and [Substituted by Haryana Act 13 of 1979.] (ii) one free non-transferable passes which shall entitle him to travel at any time within the State of Haryana or the Union Territory of Delhi or the Union Territory of Chandigarh by any public service vehicle of the Pepsu Road Transport Corporation; Provided that if

the journey is performed by him by an air-conditioned vehicle, he shall pay the difference between the fare of such vehicle and that of a deluxe vehicle.]Explanation I. - For the purposes of clause (b), a journey shall be deemed to be a journey within State of Haryana or the Union Territories of Delhi or Chandigarh, where the place of commencement of the journey and the destination thereof are situated in such State or any such Union Territory, or the place of commencement is situated in such State and the destination in any such Union Territory, or the place of commencement is situated in one such Union Territory and the destination in another such Union Territory, notwithstanding that the territory of any other State or Union Territory intervenes.[Explanation II. - For the purposes of this sub-section a member shall include the Chief Minister, a Minister, a Minister of State, Deputy Minister, the Speaker, the Deputy Speaker, the Chief Parliamentary Secretary and a Parliamentary Secretary.] [Substituted by Haryana Act 23 of 1975, and shall be deemed to have always been substituted.](2)The free passes issued to a member under sub-section (1) shall be valid for the term of his office and on the expiration of such term, such passes shall be surrendered by him to the Secretary of the Assembly.(3)Nothing in this section shall be construed as disentitling a member to any travelling allowance to which he is otherwise entitled under the provisions of this Act or the rules made thereunder.[7A. Pension. - [(1) Every person shall be paid a pension of one thousand four hundred rupees per mensem if he has served as a member upto a period of two years, two thousand five hundred rupees per mensem for a period exceeding two years but not exceeding five years and an additional pension of five hundred rupees per mensem for every additional year or part thereof exceeding a period of five years and family pension shall be admissible as may be prescribed to surviving spouse and after his or her death to the children (upto the age of 18 years) of members who had been drawing pension under the Act[**]. [Inserted by Haryana Act 6 of 1977.][(1-A) No pension shall be admissible under sub-section (1) [to a member in respect of the term and during the period for which he is qualified] [Inserted by Haryana Act 20 of 1978 w.e.f. 8.4.1977] under the Representation of the People Act, 1951, or any other law for the time being in force.](1AA)[Every person, who draws pension or family pension or is entitled to draw the same shall, in addition to the pension or family pension, as the case may be, admissible under this Act, shall be paid dearness allowance on pension, as is admissible to other pensioners of the State Government.] [Added by Haryana Act 5 of 1999.][-] Proviso omitted by Haryana Act 16 of 1998.(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 the Administrator of any Union Territory; or(ii)becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966; or(iii)is employed on a salary under the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State 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 (iii) payable to such person, is, in either case, less than the pension payable to him under sub-section (1), such person 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.] [Substituted by Haryana Act 16 of 1997.](a)where the amount of pension to which he is entitled under such law or otherwise, is equal to, or in excess of, the maximum pension admissible, from time to time, to a Class I Officer of the State of Haryana, such person shall not be entitled to any pension under sub-section (1); and(b)where the amount of pension to which he is entitled under such law or otherwise, is less than the maximum pension admissible, from time to time, to a Class I Officer of the State of Haryana, such person shall be entitled to pension under sub-section (1) only of an amount which falls short of the amount of maximum pension admissible, from time to time, to a Class I Officer of the State of Haryana.[Explanation. - * * * * *] [Omitted by Haryana Act 20 of 1978 w.e.f. 8.4.1977.][* * * * *] [Added by Haryana Act 20 of 1978 w.e.f. 8.4.1977 and further Omitted by Haryana Act 20 of 1986.][Provided further that any pension (whether known as Swatantrata Sainik Samman Pension or by any other name) received by a person as a freedom fighter shall not be taken into account for the purpose of this sub-section.] [Added by Haryana Act 11 of 1985.](4)[In this section a member means a person who, after the commencement of the constitution of India, -(a)has been a member of -(i)the Haryana Legislative Assembly; or(ii)the Punjab Legislative Assembly; or(iii)the Punjab Legislative Council; or(iv)the Legislative Assembly of the erstwhile State of Patiala and East Punjab States Union; or(v)partly as a member of the one and partly as a member of the other;representing any of the territories of the State of Haryana as formed by section 3 of the Punjab Reorganisation Act, 1966, and who is ordinarily resident of the said territories;(b)has served as Chief Minister, Minister, Speaker, Minister of State, Deputy Minister, Deputy Speaker, Chief Parliamentary Secretary or Parliamentary Secretary.](5)[* * * * *] [Inserted by Haryana Act 20 of 1978 w.e.f. 8.4.1977 Omitted by Haryana Act 20 of 1986.]

7B. [] [Section 7-B Omitted by Haryana Act No. 19 of 1986.]

7C. Free traveling facility to certain persons.

- [Every person who is entitled to pension under this Act shall be provided with -(a)one free non-transferable pass which shall entitle him to travel at any time by any public service vehicle of the Haryana State Transport Undertaking, including deluxe coach;(b)one free non-transferable passes which shall entitle him to travel at any time within the State of Haryana or the Union Territory of Delhi or the Union Territory of Chandigarh by any public service vehicle of the Pepsu Road Transport Corporation;Provided that if the journey is performed by him by an air-conditioned vehicle, he shall pay the difference between the fare of such vehicle and that of a deluxe vehicle.Explanation. - For the purposes of clause (b), a journey shall be deemed to be a journey within State of Haryana or the Union Territories of Delhi or Chandigarh, where the place of commencement of the journey and the destination thereof are situated in such State or any such Union Territory, or the place of commencement is situated in such State and the destination in any such Union Territory, or the place of commencement is situated in one such Union Territory and the destination in another such Union Territory, notwithstanding that the territory of any other State or Union Territory intervenes.] [Inserted by Haryana Act 5 of 1986.]

8. Liability to pay Income tax.

- The member's allowances referred to in this Act, shall be exclusive of the tax payable in respect thereof under any law relating to income-tax for the time being in force, and such tax shall be borne by the State Government. Explanation - For the purposes of this section, [the allowances received by the Member and the salary and allowances received by him as a Minister as defined in section 2 of the Haryana Salaries and Allowances of Ministers Act, 1970,] [Substituted by Haryana Act 22 of 1976 and shall always be deemed to have been substituted.] during any financial year shall be deemed to be his only income for that year.

9. Power to make rules.

(1)The Speaker may make rules for carrying out for the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, the Speaker may make rules in respect of the following matters, namely :-(a)any matter which is required by this Act to be prescribed;(b)the rates on and circumstances under which travelling and halting allowances may be drawn and the circumstances under which such allowances may be with held;(c)the manner in which distances between any two places should be calculated for the purposes of travelling allowance;(d)the shortest available route by which a journey can be performed;(e)the form in which claims may be presented, the method of scrutiny of claims and the authorities by and the manner in which such claims may be certified and paid;(f)provision for residential accommodation of members;(g)provision for travelling passes by rail or Road Transport; and(gg)the form in which certificates, if any, shall be furnished by any person for the purpose of claiming any pension under this Act;] [Inserted by Haryana Act 6 of 1977.](h)any other matter connected with or incidental to matters aforesaid.(3)Until such rules comes into force, all matters of detail not covered by this Act, shall be governed by the rules hitherto in force for the payment of allowances to members, so far as they are applicable.

10. Interpretation.

- If any question arises as to the interpretation of this Act or of the rules made thereunder, the matter shall be referred to the Speaker whose decision shall be final.

11. Repeal.

- The Punjab Legislative Assembly (Allowances of Members) Act, 1942 (Punjab Act 4 of 1942), in its application to the State of Haryana, is hereby repealed.[Inserted by Haryana Act 20 of 1978 w.e.f. 8.4.1977 substituted by Haryana Act 20 of 1986.]