

Arunachal Pradesh Salary, Allowances and Pension of Members of The Legislative Assembly Act, 1983

ARUNACHAL PRADESH

India

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Act 8 of 1983

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Arunachal Pradesh Salary, Allowances and Pension of Members of The Legislative Assembly Act, 1983(Act No. 8 of 1983)Last Updated 15th February, 2020[Dated 09.12.1983.]An Act to provide for the Salary, Allowances and Pension of Members of the Legislative Assembly of Arunachal Pradesh.Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Thirty-fourth Year of the Republic of India as follows :-

1. Short title Commencement.

(1)This Act may be called the Arunachal and Pradesh Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1983.(2)It shall be deemed to have come into force on the First day of January, 1982.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"Assembly" means the Legislative Assembly of the state of Arunachal Pradesh;(b)"Committee" means a Committee of the Assembly ;(c)"controlling Officer" means the Secretary of the Assembly ;(d)"day" means a period of twenty-four hours beginning at midnight;(e)"family" in relation to a member means his wife residing with him and legitimate children and step children residing with or wholly depended on him and where the husband has more than one wife, only one wife, shall be included in his family for the purpose of this Act and if the member is a married woman family shall include her husband residing with her.(f)"Form" means a form appended to the Second Schedule ;(g)"Government" means the Government of the [State] [Substituted word 'Union Territory' by 1987 Act (no 6 of 1987)], [s.2 wef 3/07/1987] of Arunachal Pradesh ;(h)"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

Arunachal Pradesh Salaries and Allowances of Ministers Act, 1983, and(ii)the Speaker and Deputy Speaker as defined in the Arunachal Pradesh Speaker and Deputy Speaker Salaries and Allowances Act, 1983 ;(i)"period of residence on duty" means the "period during which a member resides at a place where a session of the Assembly or sitting" of a Committee is held or where any other business connected with his duties as such member is transacted 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, -(a)in the case of a session or, 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(b)in the case of sitting of a Committee or any other business, a period of such residence not exceeding two days, immediately preceding the commencement of the business of the Committee. Or other business and a period of such residence not exceeding two days immediately succeeding the conclusion of the business of the Committee or other business ;(j)"Schedule" means a Schedule" appended to this Act ;(k)"terms of office" in relation to a member means,-i. where such member is a member elected in a general election held for the purpose of constituting a new Assembly, the period, beginning with the date of publication of the notification of the Election Commission under section 73 of the Representation of the People Act, 1951 (43 of 1951) ; orii. where such member is a member elected in a bye-election to the assembly or a member nominated to the Assembly, the period beginning with the date or his election referred to in section 67A of the said *Act or, as the case may be the date of his nomination, and ending 'with, in each such case, the date on which his seat becomes vacant.(l)"Union territory" means the [State] [Substituted word 'Union Territory' by 1987 Act (No. 6 of 1987), [s.2 wef 3/07/1987] of Arunachal Pradesh ;(m)"Usual place of residence" in relation to a member, means the place where the member normally resides or works for gain within the [State] [Substituted word 'Union Territory' by 1987 Act (no 6 of 1987)], [s.2 wef 3/07/1987].

3. [Salary and Daily Allowance. [Substituted by Arunachal Pradesh Salaries, Allowances and Pension of the Members of Legislative Assembly (Amendment) Act, 2017 (Act No. 5 of 2018)]

- On and from the date the Arunachal Pradesh Salaries, Allowances and Pension of the Members of the Legislative Assembly (Amendment) Act, 2017 comes into force, there shall be paid to the members of the Legislative Assembly, A composite salary of Rupees One Lakh Twenty Thousand, per mensem.Provided further that, other perk, facilities, incentives and non quantifiable allowances which are not specified in this Act shall be regulated by an executive order as per actual, or at such rate with ceiling limit as the state Government may determine from time to time as may be deemed appropriate.]Explanation. - Daily allowance shall be admissible to a member for each day during any period of residence on duty irrespective of the time of his arrival or departure.

4. [[Deleted by 2017 Amendment Act(Act no 5 of 2018, sec 3. w.e.f. 05.04.2018]

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4A. [[Deleted by 2017 Amendment Act(Act no 5 of 2018,sec 3. w.e.f. 05.04.2018]

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4B. [[Deleted by 2017 Amendment Act(Act no 5 of 2018,sec 3. w.e.f 05.04.2018]

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5. [[Deleted by 2017 Amendment Act(Act no 5 of 2018,sec 3. w.e.f. 05.04.2018]

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6. [[Deleted by 2017 Amendment Act(Act no 5 of 2018,sec 3. w.e.f 05.04.2018]

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7. [[Deleted by 2017 Amendment Act(Act no 5 of 2018,sec 3. w.e.f. 05.04.2018]

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8. [[Deleted by 2017 Amendment Act(Act no 5 of 2018,sec 3. w.e.f. 05.04.2018]

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9. [[Deleted by 2017 Amendment Act(Act no 5 of 2018,sec 3. w.e.f 05.04.2018]

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9A. [[Deleted by 2017 Amendment Act(Act no 5 of 2018,sec 3. w.e.f. 05.04.2018]

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10. [Deleted by 2017 Amendment Act(Act no 5 of 2018,sec 3. w.e.f 05.04.2018]

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11. [Pension. [Substituted by 2017 Amendment Act(Act no 5 of 2018), sec 3. w.e.f. 05.04.2018]

- With effect from the commencement of this Act, there shall be paid a pension of rupees Sixty Thousand inclusive of medical allowance to every person who has served for a period of four years, whether continuous or not as a member of the legislative Assembly. Provided that, where any person who has served for the subsequent term, there shall be paid an additional pension of Rupees Five Thousand per mensem up to five tenures subject to the maximum ceiling limit of eighty five thousand per mensem, Provided further also, that in case of death of a member while in office, irrespective of term of four years, shall be entitled to pension. Provided further also, the Ex Members (Councilors) of Provisional Legislative Assembly and Pradesh Council shall be paid a pension of Rupees Sixty Thousand Per Mensem who has served as a member of such Legislative Assembly or Pradesh Council as the case may be].

11A. [Deleted by 2017 Amendment Act(Act no 5 of 2018), sec 5. w.e.f. 05.04.2018]

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11B. [Deleted by 2017 Amendment Act(Act no 5 of 2018), sec 5. w.e.f 05.04.2018]

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11C. [Substituted by 2017 Amendment Act(Act no 5 of 2018), sec 6. w.e.f 05.04.2018]

(1) On and from the commencement of this Act, there shall be paid a family pension to the family members of a deceased Legislator (including Ex-Member, Councilors) of Provisional Legislative Assembly and Pradesh Council not exceeding sixty percent of the last pension drawn by such deceased Legislator, being a family pension to: (i) His/Her Spouse during his/her lifetime till he/she remarries or (ii) His or her children till they attain the age of twenty five years and in case of daughter till they go married if such legislator leaves no spouse. Provided that where more than, one person becomes entitled for pension under this section, all such persons shall, draw the pension in equal shares.] Explanation. - For the purpose of this section Provisional Assembly shall mean the body which functioned as the provisional Legislative Assembly of the Union territory under section 54A of the Government of Union Territories, Act, 1963 (Central Act 20 of 1963). (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; orii. 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 for Delhi constituted under section 3 of the Delhi Administration Act, 1966 (Central Act 19 of 1966); oriii. is employed on a salary under the Central Government or any State government including any Union territory Administration) or any corporation owned or controlled by the Central Government or any State Government (including any Union territory Administration) or any local authority or becomes otherwise entitled to any remuneration from such Government-corporation such person shall not be entitled to any pension under subsection (1) for the period during which he continues to hold 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 pension from the Central Government, or any State Government (including any Union territory Administration), or any corporation owned or controlled by the Central Government, or any State Government (including any Union territory Administration) or any local authority, under any law or otherwise, then -a. where the amount of pension to which he is entitled under such law' or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; andb. where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that subsection.(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 (Arunachal Pradesh) Order, 1975 and the Arunachal Pradesh Salaries and Allowances of Ministers Act, 1983 or as Speaker or Deputy Speaker as defined in the Salaries and Allowances of the Speaker and Deputy Speaker of the Legislative Assembly (Arunachal Pradesh) Order, 1975 and the Arunachal Pradesh Speaker and Deputy Speaker Salaries and Allowances Act, 1963 or had served in all or any two of such capacities by virtue of his membership in the Assembly or Provisional Assembly shall, also be taken into account.

12. Power to make rules.

- The Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

13. Repeal and saving.

(1)The Salaries and Allowances of Members of the Assembly (Arunachal Pradesh) Order, 1975 is hereby repealed.(2)Notwithstanding such repeal anything done or any action taken under the said Order so repealed shall in so far as it is not inconsistent with the provisions of this Act shall be deemed to have been done or taken under this Act.(3)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 or the session or the sitting of a 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 of a Committee, as the case may be, and the provision of Section 5 shall apply accordingly.(4) Travelling allowance for a return journey to the usual place of residence shall be admissible to a member who leaves the place of a session of the Assembly or a sitting of a Committee during the continuance of such session or sitting of and returns to the place of session or sitting within three days after the conclusion of the business of the session or the sitting, as the case may be, before finally returning to his usual place of residence.(5) 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 such case.(6) Where a member is provided with free board and lodging at the expense of any Government or a local fund, he shall be entitled to receive only one 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 the fourth of daily allowance admissible to him under that section. First Schedule (See Section 7)

1. Admissibility of travelling allowance where a member is provided with free transit for the whole or any part of the journey. No travelling allowance under section 4 shall be claimed by a member in respect of any journey or part thereof performed by him in a conveyance provided at the expense of any Government or a local fund, but he shall be entitled to draw an allowance at the rate of rupees three only per day where the duration of such journey lasts for not less than six hours on any day :

Provided that the provisions of this paragraph shall not apply to the journey performed on any railway. Note. - The amount of rupees three is granted to the member to cover his incidental expenses during such journey or part thereof and is 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 or 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 he returns as 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 sitting of a Committee or for 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 a place,

he may draw travelling allowances 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(b)daily allowance for each day during any period of residence on duty at the other place (sic word) the rate specified in Section 3.

3. Regulation of payment of daily, and travelling allowances. - (1) If 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 allowances 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 a Committee for visiting any place in the Union territory, 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 mid-night.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 Committee" occurring in section 5, and in sub-paragraph (2) does not include the period of three days immediately preceding the commencement of the session, 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.Second Schedule(See Section 8)Procedural Provisions. - (1) Every member shall, as soon as possible after he, is elected or nominated, declare in Form 'A' his usual place of residence to the Controlling Officer and any subsequent change in the usual place of residence so declared shall be notified in the said Form to the Controlling Officer as early as possible,(2)A member who claims any travelling or other allowance under this Act shall support his claims 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 bill 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 expense of the Government or a local fund, the following certificate shall be furnished, namely :- "Certified that I have not performed any part of the journey by a conveyance provided at the expense of the Government or a local fund".(4)After completing each final return journey on termination of a session of the Assembly or a sitting of a Committee or any other business connected with his duties as a member, a member shall furnish a certificate in Form B.(5)Ordinarily, any non-governmental dues outstanding against a member shall not be recovered from his salaries and allowances but where such dues are on account of certain services rendered to him in the course of his duties as a member, 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 Assembly, and where such member in spite of repeated requests, had failed to make payment of such dues, recovery thereof may be effected, from the salary or travelling allowance or daily allowance bills of such member. Form A My usual place of residence isOr I have changed my usual place of residence from

..... With effect from..... (Date)..... due to.....(here state the reasons).I may henceforward be allowed travelling allowance from.....Signature.....Constituency.....Date.....Form BDeparture and Return Tourney Certificate(The certificate may 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 4 of the Arunachal Pradesh Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1983, leaving -

.....(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 expense of the Government or a local fund.

*3. Certified that I actually traveled by air from(place)..... to (place) by day/night service.Payment of the supplementary bill is required at(Station).Station.....Date, the.....*Strick out if not applicable.