

# **Punjab State Legislative Members (Pension and Medical Facilities Regulation) Act, 1977**

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### **Act 5 of 1977**

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Punjab State Legislative Members (Pension and Medical Facilities Regulation) Act, 1977 Act No. 5 of 1977 Statement of Objects and Reasons. - To maintain the dignity and respect of the ex-members of the Punjab Legislative Assembly, the Punjab Legislative Council and the Legislative Assembly of erstwhile State of Patiala and East Punjab States Union, it is necessary to make a provision for allowing them pension and medical facilities provided they have served as members for a period of at least five years. Hence this Bill. Published vide Punjab Gazette Extra dated 28.3.1978 Page 498. Statement of Objects and Reasons - Punjab Act 9 of 2002. - Amendment in Punjab State Legislative Members (Pension and Medical Facilities Regulation) Act, 1977 is proposed for withdrawing the facilities which were earlier provided to Ex-Chief Ministers under the Act ibid through a Notification No. 26-Leg/98, dated 27th July, 1988. Keeping in view the severe financial constraint on State resources, the State Government has decided to adopt various measures for reduction in non-interest non-plan expenditure and it has accordingly been decided by the State Government to withdraw the facilities being provided to Ex-Chief Minister(s). Hence the proposed amendment. Published vide Punjab Government Gazette. (Extra), 21.6.2002, page 1106. An Act to provide for pension and medical facilities to persons who have been members of the Punjab State Legislature. Be it enacted by the Legislature of the State of Punjab in the Twenty-eighth year of the Republic of India as follows :-

### **1. Short title and commencement.**

(1) This Act may be called the Punjab State Legislative Members (Pension and Medical Facilities Regulation) Act, 1977. (2) It shall come into force on such date as the State Government may by notification, appoint.

## 2. Definitions.

- In this Act unless the context otherwise requires 'member' means a person who, after the commencement of the Constitution of India, has been a member of :-(i)the Punjab Legislative Assembly; or(ii)the Punjab Legislative Council; or(iii)the Legislative Assembly of the erstwhile State of Patiala and East Punjab State Union; or(iv)partly as a member of the one and partly as a member of the other.

## 3. Pension.

(1)From the date of commencement of this Act, there shall be paid to every person who has served as a member for a period of five years, whether continuous or not, a pension of three hundred rupees per mensem :Provided that where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of fifty rupees per mensem for every year in excess of five, so , however, that in no case the pension payable to such person shall exceed five hundred rupees per mensem.[(1-A) Where a person has served as member for full term of a Legislative Assembly but that term falls short of five years by a period not exceeding three months such person shall, for the purposes of sub-section (1), be deemed to have served as a member for a period of five years :] [Inserted by Punjab Act 7 of 1979.][ (1-B) Notwithstanding anything contained in sub-section (1) and (1-A), there shall be paid to every person who has served as a member a pension of [one thousand rupees] [Inserted by Punjab Act 10 of 1986.] per mensem :Provided that where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of one hundred rupees per mensem for every year in excess of five [ - ] [Words omitted by Act No. 5 of 1992.];[-] [Sub-sections (1-C), (1-D) and (1-E) of Section 3 omitted vide Punjab Government Notification No. 5-PLA-2002/34, dated 21.6.2002.](2)Where any person entitled to pension [under sub-section (1) or sub-section (1-B)] [Inserted by Act No. 10 of 1986.](i)is elected to the office of the President or Vice-President of India 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 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 be entitled to any pension [under sub-section (1) or sub- section (1-B)] [See Act No. 10 of 1986 (Published in Extraordinary Gazette of 21st April, 1986.)] 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 hold 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) and sub- section (1-B)] [See Act No. 10 of 1986 (Published in Extraordinary Gazette of 21st April, 1986.)] 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) or sub- section (1-B)] [See Act No. 10 of 1986 (Published in Extraordinary Gazette of 21st April, 1986.)] is also entitled to any pension from 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, 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) or sub-section (1-B)] [See Act No. 10 of 1986 (Published in Extraordinary Gazette of 21st April, 1986).] such person shall not be entitled to any pension under that sub-section; and (b) 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) or sub-section (1-B)] [See Act No. 10 of 1986 (Published in Extraordinary Gazette of 21st April, 1986).] 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 sub-section. Explanation. - For the removal of doubts it is hereby declared that the pension payable under the Freedom Fighters Pension Scheme, 1972, framed by the Central Government and the financial assistance given from the Punjab National Workers Relief Fund shall not be taken into account for the purposes of determining the amount of pension payable under this Act. (4) In computing the number of years, for the purposes of sub-section (1), the period during which a person has served as a Chairman, Minister, Speaker, Deputy Chairman, Deputy Minister, Deputy Speaker or Chief Parliamentary Secretary or Parliamentary Secretary by virtue of holding office of member shall also be taken into account. (5) [No person shall be entitled to pension under this Act for or in respect of [the term and during the period for which he has incurred disqualification] [See Act No. 10 of 1986 (Published in Extraordinary Gazette of 21st April, 1986).] under the Representation of People Act, 1951 or any other law for the time being in force.] [3A. Recovery of Government dues from pension. - If any person to whom pension is admissible under this Act has not paid to the State Government any amount payable by him on account of any residential accommodation or any other facility of whatever nature provided to him by the State Government in his capacity as Minister, [Leader of the Opposition as defined in the Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978] [See Punjab Act 23 of 1978.], Speaker, Deputy Minister, Deputy Speaker, Chief Parliamentary Secretary, Parliamentary Secretary, or member, the above referred to amount due from him may be recovered from his pension.

### **3B. [ Family Pension. - In the event of death of a member, -**

(i) who is getting pension under section 3; or (ii) who is entitled to such pension, but is not getting; or (iii) who would have been entitled to such pension had he or she not died, his or, as the case may be, her spouse shall be entitled to draw family pension at the rate of fifty per cent of the pension to which the member would have been entitled had he or she not died] [Substituted Punjab Act 16 of 1993.]. [3C. 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 allowances on pension, as is admissible to other pensioners of the State Government] [Added by Punjab Act 21 of 1998.].

### **4. Medical facilities.**

- Every person who is entitled to pension under the provisions of section 3, shall also be entitled to such medical facilities for himself and for the members of his family [as may be prescribed by rules

made under this Act] [See Act No. 10 of 1986 (Published in Extraordinary Gazette of 21st April, 1986).].[4A. Ex-grantia grant. - (1) Where a person who is serving as a Member of the Punjab Legislative Assembly, dies while in such service, there shall be paid to the members of his family an ex-gratia grant of one lakh rupees :Provided that where the Member dies as a result of any terrorist act, the members of his family, shall be paid an ex-gratia grant of three lakhs rupees.(2)Where a person who is entitled to pension under the provisions of section 3, dies as a result of terrorist act, the members of his family, shall be paid on ex-gratia grant of one lakh and fifty thousand rupees.Explanation. - For the purpose of section 4-A, the expression "terrorist act" shall have the meaning as assigned to it in the Terrorist and Disruptive Activities (Prevention) Act, 1987 (Central Act 28 of 1987)] [Substituted vide Act No. 5 of 1992.].

## **5. Power to make rules.**

(1)The State Government may make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, the State Government may make rules in respect of the following matters, namely :-(a)the form in which certificates, if any, shall be furnished by any person for the purpose of claiming any pension under this Act;(b)the family members who shall be entitled to medical facilities;(c)generally for regulating payment of pension and providing medical facilities under this Act.(3)Every rule made under this section shall be laid as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive session aforesaid, the House agrees in making any modification in the rule or the House agrees 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 annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.