

The Punjab Legislative Assembly (Allowances of Members) Act, 1942

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Act 4 of 1942

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The Punjab Legislative Assembly (Allowances of Members) Act, 1942 Punjab Act No. 4 of 1942 Received the assent of His Excellency the Governor on the 10th March, 1942, and was first published in the Government Gazette (Extraordinary), Punjab of the 16th March, 1942. An Act to provide for allowances of the Speaker and certain members of the Punjab Legislative Assembly. It is hereby enacted as follows :-

1. Short title and commencement.

(1) This Act may be called the Punjab Legislative Assembly (Allowances of Members) Act, 1942. (2) It shall come into force on such date as the [State] [Substituted by Adaptation of Laws Order, 1950, for 'Provincial.'] Government may, by notification, direct.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject content, -(a) "Assembly" means the [Punjab] [Substituted for the word 'East Punjab' by the Adaptation of Laws Order, 1950.] Legislative Assembly; (b) ["Committee" means a select committee or other committee of the Assembly and includes a joint Committee of the Assembly and the Punjab Legislative Council and any committee appointed by the State Government for a purpose connected with business of the Govt;] [Clause (b) substituted by Punjab Act 23 of 1956, Section 2.] (bb) ["Deputy Speaker" means the Deputy Speaker of the Assembly;] [Clause (bb) inserted by Punjab Act 17 of 1964, Section 2.] (c) "member" means a member of the Assembly other than a Minister, or the Speaker [or the Deputy Speaker;] [Added by Punjab Act 17 of 1964, Section 2.] (d) "meeting" means a meeting of the Assembly or of a committee thereof; (dd) ["new member" means a member who takes his seat in the Assembly after the commencement of the Punjab Legislative Assembly (Allowances of Members) Second Amendment

Act, 1986, and includes a member who is re-elected;] [Added vide Act No. 20 of 1986.] "(e)"prescribed" means prescribed by rules made under this Act; and(f)"Speaker" means the Speaker of the Assembly.

3. Compensatory Allowance.

(1)Subject to the conditions hereinafter contained, there shall be paid to each member a compensatory allowance at the rate of [two thousand and five hundred rupees] [Substituted vide Act 21 of 1998.] per mensem during the whole of his term of office.Explanation. - In this sub-section, the expression "term of office" means, -(a)in relation to a person who is a member at the commencement of the Punjab Legislative Assembly (Allowances of Members) Second Amendment Act, 1986, the period beginning with the 29th day of September, 1985, and ending with the date on which his seat becomes vacant;(b)in relation to a new member, -(i)where such a new member is a member of the Assembly elected in 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; or(ii)where such new member is a member of the Assembly elected in a bye-election to that Assembly, the period beginning with the date of his election referred to in section 67-A of the said Act, and ending with the date on which his seat becomes vacant.(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 the rate of twenty rupees 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)Where in, any month there have been no meetings, the member shall be paid the full compensatory allowance for such month.(4)[Notwithstanding anything hereinbefore contained, a member detained under any law for the time in force shall be paid full compensatory allowance in respect of the period during which he is so detained.] [Substituted vide Punjab Act 4 of 1977.]

3A. [Constituency, secretarial and postal facilities allowance.] [Substituted vide Punjab Act 7 of 1976.] - There shall also be paid to each member a constituency, secretarial and postal facilities allowance at the rate of [five thousand] [Substituted vide Punjab Act 21 of 1998.] rupees per mensem.

3B. [Recovery of Government dues.] [Substituted vide Punjab Act 5 of 1992.]

- If any person to whom any amount is admissible under this Act, has been a member during any period earlier to his existing term and 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 during such earlier period in his capacity as Minister, Leader of the Opposition as defined in the Salary and Allowances of Leader of Opposition in Legislative Assembly, 1978, Speaker, Deputy Ministry, Deputy Speaker, Chief parliamentary Secretary. parliamentary Secretary or member, the amount referred to above due from him may be recovered from the amount admissible to him under this Act and if no amount is admissible or the admissible to him under this Act and if no amount is admissible or the amount so admissible is insufficient, in that case, the amount so due shall be recovered as arrears of land revenue.

4. [Other allowances.] [Substituted vide Punjab Act 30 of 1976.] -(1) Subject to such conditions and limitations as may be imposed by rules made under this Act, there shall be paid :

(a)to the [Speaker and the Deputy Speaker] [Substituted for 'Speaker' by Punjab Act, 17 of 1964, Section 3(1).] such travelling and halting allowances as may be prescribed; and(b)[] [Substituted for clause (b) by Punjab Act 22 of 1953, Section 2(1).] to each member -(i)such travelling allowance as may be prescribed;(ii)[a halting allowance at the rate of [three hundred rupees] [Substituted vide Punjab Act 11 of 1983.] per day for each day of attendance at a meeting of the Assembly or the Committee and for each day of journey undertaken by him from the usual place of his residence for attending such a meeting and for return journey and for journeys undertaken to attend such meetings as per tour programme approved by the Speaker and for journeys undertaken under the orders of the Speaker for any other business connected with his duties as a member;Provided that where a member while on tour outside the State of Punjab and Union Territory of Chandigarh has to stay in a hotel or tourist bungalow run on commercial lines, he shall be reimbursed the actual hotel or tourist bungalow expenses subject to the maximum of one hundred and fifty rupees per day.[Provided further that in case of meeting attended or journeys undertaken outside the State of Punjab and the Union Territory of Chandigarh, the rate of halting allowances shall be increased by twenty-five per centum : [Substituted vide Punjab Act 11 of 1983.]Provided further that where a member while on tour outside the State of Punjab and Union Territory of Chandigarh has to stay in a hotel or tourist bungalow run on commercial lines, he shall be reimbursed the actual hotel or tourist bungalow-expenses at such rates as are admissible to Punjab Government Officers drawing pay exceeding two thousand rupees but not exceeding two thousand and five hundred rupees] :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 Punjab Legislative Assembly for the time being in force, he shall not be entitled to get allowance for such period of absence.(iii)Omitted by Punjab Act 14 of 1981.(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 the meeting was cancelled for any reason whatsoever and the member came to know of such cancellation after the arrival at the place of meetings.] [Substituted vide Punjab Act 30 of 1976.]

4A. [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 by rules under section 5.] [Added by Punjab Act 43 of

1956, Section 2.]

(2)[] [Substituted vide Section 9 of Act No. 20 of 1995.] Every Member shall be entitled to have a telephone installed at any place within his Constituency or at his place of residence or at Chandigarh and all charges in respect of installation and security deposit shall be paid by the Member himself and the amount so paid shall be reimbursed to the Member, by the Government, on production of receipts obtained from the Posts and Telegraph Department;(3)The charges in respect of rental, local and outside calls made by a Member from one or more telephones installed in his name within the State of Punjab and the Union Territory of Chandigarh shall be paid initially by the Member himself and the amount so paid shall also be reimbursed to the Member by the Government on production of receipts obtained from the Posts & Telegraph Department :Provided that the reimbursement of charges referred to in sub- sections (2) and (3) shall not exceed [fourty eight thousand rupees] [Substituted vide Punjab Act 21 of 1998.] per annum.

4B. [] [Inserted by Punjab Act 6 of 1970, Section 5.] Free transit by Railway or State Transport Undertakings. - [(1) Every member alongwith his spouse and his dependent children accompanying either of them and an attendant accompanying him to look after and assist him shall, during the course of a financial year, be entitled to travel by any railway in India or within or outside India by an air-conditioned coach or by air and an amount equivalent to the expenses incurred on such journey, shall be reimbursed to the member :

Provided that where a member travels by his own motor-car and furnishes a cash receipt from a licensed dealer indicating the name of the member, quantity of petrol or diesel purchased by him for propulsion of his motor-car the date on which it was purchased, the cost thereof and the registration number of his motor-car, the expenses so incurred shall be reimbursed to him :Provided further that the total expenses incurred for the facilities specified in this section shall not exceed the amount of [fifty thousand rupees] [Substituted vide Punjab Act 20 of 1995.] in a financial year.[(1-B) Every member shall also be entitled to two free non-transferable passes entitling him and his spouse or attendant accompanying him to look after or assist him to travel without payment of fare and passenger tax by any public service vehicle of the Punjab Roadways or of the Pepsu Road Transport Corporation.] [Substituted vide Punjab Act 5 of 1992.](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, these shall be surrendered by him to the Secretary of the Punjab Legislative 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.

4C. [Grant of loan.] [Substituted vide Punjab Act 11 of 1979.] - (1) Subject to such conditions and limitations as may be prescribed, there may be paid to each member by way of a repayable advance -

(a) a sum of money not exceeding [six lac rupees] [Substituted Punjab Act 21 of 1998.] for building or purchasing a house; and (b) a sum of money not exceeding [three lac rupees] [Substituted vide Punjab Act 21 of 1998.] or the anticipated price, whichever be less, for the purchase of a motor-car. [1-A. A member may be paid second re-payable advance for the purchase of a motor-car, if he has repaid the entire previous advance subject to the conditions specified in sub-section (1).] [Added vide Act 21 of 1998.][(1-A) A member shall be entitled to a second repayable advance under and in accordance with clause (b) of sub-section (1) for the purchase of a Motor-car or a Jeep or for conversion of a petrol-driven Motor-car or a Jeep to a diesel-driven vehicle or for purchase of a Motor-cycle or a Scooter, where the vehicle purchased or converted to a diesel-driven vehicle, as the case may be, with the aid of repayable advance is stolen or meets with an accident rendering it unserviceable or the propulsion whereof becomes otherwise unserviceable, subject to the condition that the member has cleared all the dues of the repayable advance] [Added vide Punjab Act 11 of 1986]; and (2) On the acceptance of an application for an advance, the member shall execute a deed in the prescribed form, undertaking to use the advance for the purpose for which, and to fulfil the conditions on which, the advance is sanctioned, rendering himself and such property as may have been specified in the deed as security, including the house purchased or built with the aid of the advance liable for the repayment of the loan and interest due thereon : Provided that no advance for building the house shall be sanctioned unless the plot or land on which the house is to be built, is exclusively owned and possessed by the member applying therefor, and is free from all encumbrances. (3) No transfer, assignment or charge made or created after the execution of the deed under sub-section (2), in relation to the property specified therein or the house purchased or built with the aid of the advance, shall be valid against the State Government, unless it has been made or created with its previous consent in writing. (3A) [Where a member having obtained an advance under sub-sections (1) and (1-A) dies during his term as such member, the amount of such advance or any part thereof which would have accrued after the date of his death in accordance with the terms and conditions of the grant of the advance along with interest thereon shall be written off with the sanction of the prescribed authority.] [Substituted vide Punjab Act 9 of 1982.](4) The State Government may make rules for carrying out the purposes of this section;

5. Power to make rules.

(1) The [Speaker] [Substituted for the words 'State Govt.' by Punjab Act 23 of 1956, Section 4.] 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 [Speaker] [Substituted for the words 'State Govt.' by Punjab Act 23 of 1956, Section 4.] 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 withheld; (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; [-] [The word 'and' omitted and clause (ee) inserted by Punjab Act 43 of 1956, Section 3.](ee) provision for residential accommodation of members mentioned in section 4-A; and (f) any other matter connected with or incidental to matters aforesaid. (3) Until such rules come 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.

6. 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] [Substituted for the words 'State Govt.' by Punjab Act 23 of 1956, Section 4.] whose decision shall be final.

7. Repeal of Act IV of 1937.

- The Punjab Legislative Assembly (Allowances of Members) Act, 1937, is hereby repealed.