

# **The M.P. Vidhan Sabha Sadasya Vetan, Bhatta Tatha Pension Adhiniyam, 1972**

MADHYA PRADESH

India

## **The M.P. Vidhan Sabha Sadasya Vetan, Bhatta Tatha Pension Adhiniyam, 1972**

### **Act 7 of 1973**

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The M.P. Vidhan Sabha Sadasya Vetan, Bhatta Tatha Pension Adhiniyam, 1972(M.P. Act No. 7 of 1973)[Dated 29th Jan, 1973]Received the assent of the Governor on the 29th January, 1973; assent first published in M.P. Rajpatra (Asadharan), dated 1st February, 1973.An Act to provide for the [salaries, allowances and pension] [Substituted by M.P. Act No. 63 of 1976.] of members of the State Legislative Assembly.Be it enacted by the Madhya Pradesh Legislature in the Twenty-third Year of the Republic of India as follows :-

### **1. Short title.**

- This Act may be called the Madhya Pradesh Vidhan Sabha Sadasya [Vetan, Bhatta Tatha Pension] [Substituted by M.P. Act No. 63 of 1976.] Adhiniyam. 1972.

### **2. Definitions.**

- In this Act, unless the context otherwise requires. -(a)"Committee" means a select committee of the Legislative Assembly or a committee constituted under the rules of procedure of the Legislative Assembly or a committee appointed by the Speaker or the State Government and includes the statutory Boards and the Board appointed by the State Government;(b)"Member" means a member of the Madhya Pradesh Legislative Assembly, but does not include-(i)a Minister;(ii)a Minister of State;(iii)a Deputy Minister;(iv)a Parliamentary Secretary;[(iv-a) the Neta Pratipaksh as defined in the Madhya Pradesh Vidhan Mandal Neta Pratipaksh (Vetan Tatha Bhatta) Adhiniyam, 1980;] [Inserted by M.P. Act No. 8 of 1980.](v)the Speaker and the Deputy Speaker of the Madhya[(b-1) "meeting" means meeting of the Assembly or a meeting of a Committee; [Inserted by M.P Act No. 19 of 1978.](b-2) "place of meeting" means Bhopal or such other place as may be fixed for a meeting;](c)"Session" means the whole period beginning with three days preceding the day of

commencement of the sittings of the Legislative Assembly and ending with three days immediately following the day of termination of the sittings of the Legislative Assembly, by adjournment sine die or prorogation, as the case may be.

### **3. Salaries of members.**

- There shall be paid to every member a salary of [ten thousand rupees] [Substituted by M.P. Act No. 17 of 2010.] per mensem.

### **4. Constituency allowance for members.**

- There shall be paid to every member a constituency allowance of [sixteen thousand rupees] [Substituted by M.P. Act No. 17 of 2010.] per mensem.

#### **4A. [ Telephone allowance. [Inserted by M.P. Act No. 19 of 1978.]**

- There shall be paid to every member by way of telephone allowance [ten thousand rupees] per mensem, irrespective of the fact whether he has or he has not a telephone at the place of his residence].[4B Stationery and Postal allowance. [Inserted by M.P. Act No. 26 of 2001.]- There shall be paid to every member stationery and postal allowance of [four thousand rupees] per mensem].

#### **4C. [ Orderly allowance. [Inserted by M P Act No. 17 of 2010.]**

- There shall be paid to every member orderly allowance at the rate of five thousand rupees per mensem.]

### **5. [ Bus Travelling allowance. [Substituted by M.P. Act No. 17 of 2010.]**

- There shall be paid to every member Bus travelling allowance at the rate of two hundred fifty rupees per mensem.]

#### **5A. [ Free transit by rail within the State and outside. [Inserted by M.P. Act No. 19 of 1978.]**

- [(1) Every member shall be provided with railway coupons which shall, subject to such rules as may be made by the State Government in this behalf, entitle him,-(i)to travel alone by First Class Air conditioned; or(ii)to travel by first class or by air-conditioned sleeper coach or by second class sleeper coach or by second class with one person accompanying him, by any railway within the State without any restriction and outside the State only to the extent of 6,000 kilometers per financial year.](2)Until a member is provided with [railway coupons] [Substituted by M.P. Act No. 30 of 1978.] under sub-section (1), he shall be entitled to an amount equal to [one first class air-conditioned or air-conditioned sleeper fare] [Substituted by M.P. Act No. 25 of 2007.] for any journey of the nature referred to in Section 6 performed by him by rail].(3)[ Every person entitled to

pension under Section 6-A shall be provided with railway coupons which shall, subject to such rules as may be made by the State Government in this behalf, entitle him to travel by first class or by second class air conditioned sleeper coach or [with the spouse or an attendant by second class air conditioned sleeper coach] [Substituted by M.P. Act No. 34 of 1995.] by any railway-(i)within the State without any restriction; and(ii)outside the State only to the extent of three thousand kilometers per financial year.]

#### **5B. [ Air travel facility. [Substituted by M.P. Act No. 25 of 2007.]**

(1)Without prejudice to the provisions of this Act, where necessary for the purpose of attending a session or meeting of a committee, a member travels by air from the nearest Airport of his place of residence to the place of session or meeting then he shall be entitled to reimbursement of the air fare of such journey both ways.(2)Without prejudice to the provisions of this Act, where necessary, a member who travels by air within or outside the State shall, subject to such rules, as may be made by the State Government in this behalf, be entitled to reimbursement of the air fare of such journey both ways subject to maximum designated economy class fare for such journey :Provided that the total expenditure on a journey performed by a member outside the State by rail under Section 5-A and the journey performed by air outside the State under this sub-section shall not exceed the amount equal to two times of the air conditioned sleeper coach rail fare for six thousand kilometres in a financial year.]

#### **5C. [ Steamer travel facility. [Inserted by M.P. Act No. 19 of 1991.]**

- Without prejudice to the provisions of this Act every member, who when necessary for the purpose of attending a session or meeting of a committee or for the purpose of attending to any other business connected with his duties as a member, travels by steamer then he anti, one person accompanying him, shall be entitled to reimbursement of the steamer fare of such journey both ways to the extent of an amount equal to two times of the first class rail fare.]

#### **6. [ Travelling and daily allowance. [Substituted by M.P. Act No. 19 of 1978.]**

(1)Subject to the provision of sub-section (2), there shall be paid to each member in respect of every journey performed by him within or outside the State for the purpose of attending a session or a meeting of a committee from his usual place of residence to the place where the session or the meeting is to be held and for the return journey from such place to his usual place of residence, travelling and daily allowances at such rates as may be prescribed.(2)There shall be paid to every member who ordinarily resides at the place of meeting or within 8 kilometers thereof, daily allowance at such rates as may be prescribed.]

#### **6A. [ Pension. [Inserted by M.P Act No 63 of 1976.]**

- [(1) There shall be paid a pension of [seven thousand rupees] per mensem to every person who has served for a period of five years whether continuous or not as a member of the Madhya Pradesh

Legislative Assembly :[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 [three hundred rupees] [Substituted by M.P Act No. 25 of 2007.] per mensem for every year in excess of five years, and the period of six months or more of the last year of the term of any member shall be deemed whole year, for the purpose of earning additional pension :]Provided further that where a member has been prevented from serving as such for five years due to dissolution of Legislative Assembly or where a member having been elected in a bye election has not been able to serve for five years, he shall be deemed to have served as a member for a period of five years but this deeming provision shall not apply for the purpose of earning additional pension.Explanation. - For the purpose of this sub-section, "a member of the Madhya Pradesh Legislative Assembly" shall include a person who became member of the Legislative Assembly of the new State of Madhya Pradesh by virtue of the provisions contained in Section 28 of the States Reorganisation Act, 1956 (No. 37 of 1956)].[(1-A) x x x] [Omitted by M.P, Act No. 13 of 1997.](2)Where any person entitled to pension under sub-section (1),-(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 the People or any Legislative Assembly of a State or Union territories or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under Section 3 of the Delhi Administration Act, 1966 (No. 19 of 1966); or(iii)is employed on a salary under the Central Government or the State Government or any other State Government, or any Corporation owned or controlled by the Central Government or such State Government, or any local authority or becomes otherwise entitled to any [remuneration, honorarium or compensation] [Substituted by M.P. Act No. 19 of 1991.] 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, honorarium or compensation] [Substituted by M.P. Act No. 19 of 1991.] :Provided that where the salary payable to such person for holding such office or being such member or so employed, or where the [remuneration, honorarium or compensation] [Substituted by M.P. Act No. 19 of 1991.] 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 M.P. Act No. 34 of 1995 (w e.f. 26-10-1995).].[(3-A) x x x] [Omitted by M.P. Act No. 34 of 1995 (w.e.f. 26-10-1995).](4)In computing the number of years, for the purpose of sub-section (1)-(i)the period shall be reckoned as from the first April, 1952;(ii)any period prior to the first April, 1952, shall be ignored;[(ii-a) x x ] [Omitted by M.P. Act No. 13 of 1997 (w.e.f. 28-10-1992).](iii)the period during which a person has served as a Chief Minister, a Minister, a Minister of States, a Deputy Minister or a Parliamentary Secretary of the Government of Madhya Pradesh or of the Government of the existing State of Madhya Pradesh, Madhya Bharat, Rajasthan, Bhopal or Vindhya Pradesh as referred to in Section 9 of the States Reorganisation Act, 1956 (No. 37 of 1956), or as a Speaker or a Deputy Speaker of the Madhya Pradesh Legislative Assembly or of the Legislative Assembly of any of the said existing States or as both [or as Neta Pratipaksh as defined in the Madhya Pradesh Vidhan Mandal Neta Pratipaksh (Vetan, Bhatta Tatha Pension) Adhiniyam, 1980] [Inserted by M.P. Act No. 8 of 1980.], by virtue of his membership in the Madhya Pradesh Legislative Assembly or the

Legislative Assemblies of the said existing States shall also be taken into account].

**6B. [ family Pension. [Substituted by M.P Act No. 25 of 2007.]**

- There shall be paid a pension of [five thousand rupees] per mensem, to the spouse, if any, or dependent of deceased member or ex-member who was entitled to pension under sub-section (1) of Section 6-A, for such a period as admissable to the Government servant in the Madhya Pradesh Civil Services (Pension) Rules, 1976 from the date of his death.]

**6C. [ Medical facilities to ex-member. [Inserted by M P. Act No. 18 of 2000.]**

- Every person, who is entitled to pension under Section 6-A, shall be entitled to medical treatment free of charge in hospitals maintained by the State Government [and shall also be paid a medical allowance of [five thousand rupees] per mensem]].

**7. [Medical allowance, medical attendance and treatment to members. [Substituted by M.P. Act No. 24 of 1983.]**

- [(1)] There shall be paid to every member a medical allowance of [five thousand rupees] [Substituted by M.P, Act No. 17 of 2010.] per mensem.[(1-A)] [Renumbered by M.P. Act No. 24 of 1983.] [In addition to the medical allowance payable under sub-section (1) but subject to any rules made in this behalf by the State Government] [Substituted by M.P Act No. 24 of 1983.], every member shall himself be entitled, -(i) free of charge, to accommodation in hospitals maintained by the State Government and also to medical treatment available in such hospitals as admissible to a Government servant under the rule making control of the State Government drawing a pay of Rupees 225/- per month or above personally for himself (ii) while travelling on public business outside the State, to medical treatment at a Government Hospital situate at the place of his visit on such public business, or at any place falling in the course of his journey to such place of visit; (iii) to any specialized medical treatment outside the State, if in the opinion of the medical attendant such specialized medical treatment is necessary and the member obtains approval of the [Director of Medical Education, Madhya Pradesh] [Substituted by M.P. Act No. 25 of 2007.], for such treatment outside the State [;] [Substituted by M.P. Act No. 25 of 2007.] (iv) [ to reimbursement of all charges incurred in medical attendance and treatment and surgery performed as indoor patient in Government recognized private hospitals inside the State or outside the State; [Inserted by M.P. Act No. 25 of 2007.] (v) to advance as per rules on diseases specified by the Government, in condition the member falls sick suddenly and getting medical treatment in Government recognised hospitals outside the State without prior approval of the Director, Medical Education, Madhya Pradesh, and the Principal Secretary, Madhya Pradesh Legislative Assembly shall be authorised to sanction such advance, and the advance shall be adjusted from medical reimbursement after approval of the Director, Medical Education, Madhya Pradesh :] Provided that the member shall be entitled to the reimbursement of charges incurred by him on medical treatment outside the State under clauses (ii) and (iii) to the extent to which he would have been entitled to had he received such medical treatment in a Government Hospital in the State]. [Explanation I. - In this sub-section, "medical

treatment" means medical attendance and treatment on admission as an indoor patient] [Inserted by M.P. Act No. 24 of 1983.].[Explanation II. - x x x] [Omitted by M.P. Act No. 18 of 2000.](2)[Until rules are made under sub-section (1-A), but subject to provisions of sub-section (1) and sub-section (2)] [Substituted by M.P. Act No. 24 of 1983.], rules relating to medical attendance and treatment made by the Government under the proviso to Article 309 of the Constitution of India shall apply to a member as they apply to aforesaid Government servant personally for himself, subject to modification that controlling authority for the purpose of any claim of reimbursement shall be [Principal Secretary] [Substituted by M.P. Act No. 25 of 2007.], Madhya Pradesh Vidhan

## **8. [ [Omitted by M.P Act No. 8 of 1980.]**

x x x]

## **8A. [ Recovery of sums due and payable by member. [Substituted by M.P. Act No 18 of 1986.]**

- Any sum due and payable by a member or by a person who is entitled to receive the pension under Section 6-A to the State Government towards rent of accommodation provided to him or charges for any service rendered or any facility extended to him as a member or for anything, provided to him otherwise as a member shall be recoverable in such manner as may be prescribed,-](i)from the salary and allowances payable to such member; or(ii)from the pension payable to such person,as the case may be, under this Act or the rules made thereunder.

## **9. 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, such rules may provide for,-(a)[ the terms and conditions subject to which free bus pass shall be provided to a member under Section 5; [Substituted by M.P. Act No. 30 of 1978.](aa)regulation of railway coupons to be provided to a member under Section 5-A;][(a-1)] [Renumbered by M.P Act No. 19 of 1978.] rates of travelling and daily allowance payable to a member under Section 6;(aaa)[ the form in which certificate, if any, shall be furnished by any person for the purpose of claiming any pension under this Act;] [Renumbered by M.P Act No. 30 of 1978.](b)regulation of medical attendance and treatment to members under Section 7;(c)[ the manner of recovery of sums due and payable by a member under Section 8- A] [Inserted by M.P. Act No. 30 of 1976.],(3)All rules made under this section shall be laid on the Table of the Madhya Pradesh Legislative Assembly and the Legislative Assembly may, by resolution, approve the rules with or without modification.(4)[ x x x] [Omitted by M.P Act No. 30 of 1978.]

## **10. Repeal.**

- The Madhya Pradesh Legislative Assembly Members (Salary and Allowances) Act, 1956 (IV of 1957) is hereby repealed.