

GUJARAT LEGISLATIVE ASSEMBLY MEMBERS' PENSION ACT, 1984

GUJARAT

India

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Act 18 of 1989

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1. [Repealed by Legislative Assembly Members' Pension (Repeal) Act, 2001 (Act 24 of 2001) on 1 September 2001]

An Act to provide for payment of pension to persons who have served as members of the Gujarat Legislative Assembly. It is hereby enacted in the Thirty fifth Year of the Republic of India as follows:-

1. Short title and commencement.- :-

(1) This Act may be called the Gujarat Legislative Assembly Members' Pension Act, 1984. (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.- :-

In this Act unless the context otherwise requires (1) "Assembly" means the Gujarat Legislative Assembly; (2) "Member" means a member elected to Assembly; (3) "term of office", in relation to a member means the period beginning with the date of publication of the notification of his election as a member and ending with the date on which his seat becomes vacant.

3. Pension payable to members.- :-

(1) With effect from the date of commencement of this Act, there shall be paid a pension of three hundred rupees per month to every person who has served as a member for a term of office of five years whether before or after such commencement and whether continuously or not: 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 sixty rupees per month for every year of such service in excess of five years so, however that in no case the pension payable to such person shall exceed six hundred rupees per month: Provided further that where the Assembly is dissolved before the expiry of its duration of five years, a member of such Assembly shall, for the purposes of this sub-section, be deemed to have served as such member for a term of office of five years. (2) In computing the number of years for the purposes of sub section (1), the period during which a person has served as a Speaker of Assembly or as Minister, Minister of State, Deputy Minister or Parliamentary Secretary or in more than one of those capacities by virtue of his membership of the Assembly, shall also be taken into account.

4. Pension to be held in abeyance or to be reduced in certain circumstances.-

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(1) Where any person entitled to pension under section 3.- (a) 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 (b) becomes a member of the Council of State or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State: or (c) 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 otherwise receives any remuneration from such Government, corporation or local authority; such person shall not be entitled to any pension under section 3 for the period during which he continues to hold such office, or continues as such member, or is so employed, or continues to receive such remuneration: Provided that, where the salary payable to such person for holding such office or being such member or being so employed, or where the remuneration referred to in clause (c) paid to such person, is less than the pension payable to him under Section 3, such person shall be entitled to receive only the balance as pension under that section. (2) Where any person entitled to pension under Section 3 also receives any pension other than pension as a freedom fighter from the Central Government, or any State Government, or any local authority under any law or otherwise, then.- (i) where the amount of pension which he receives under such law or otherwise, is equal to or in excess of that to which he is entitled under Section 3 such person shall not be entitled to any pension under that section: and (ii) where the amount of pension which he receives under such law or otherwise is less than that to which he is entitled under Section 3, such person shall be entitled to pension under that section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that section.

5. Power to make rules and orders.- :-

(1) The State Government may make rules or orders for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power such rules or orders may provide for any of the following matters, namely:- (a) the form in which and the authority to which an application for pension shall be made: (b) the certificates to be furnished along with an application for pension: (c) the declarations to be made at the time of drawing pension: (d) any other matter which is to be, or may be, prescribed. (3) Any rule or order made under this section may be made so as to be retrospective to any date not earlier than 17th March, 1962 the date on which the first

Gujarat Legislative Assembly was constituted as a result of general elections.(4)All rules or orders made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the Legislature or to such modification s the Legislature may make during the session in which they are so laid or the session immediately following.(5)Any rescission or modification so made by the State Legislature shall be published in the Official Gazette, and shall thereupon take effect.

6. Decisions on questions relating to pension.- :-

If there is any doubt or dispute as to whether a person is entitled to pension or as to the amount of pension or as to the period for which he shall be entitled to pension under this Act, the matter shall be referred to the State Government and its decision shall be final.