

The Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956

RAJASTHAN

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Act 6 of 1957

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The Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956(Rajasthan Act No. 6 of 1957)Last Updated 28th September, 2019Statement of Object and Reasons - (Act 19 of 2012). - Looking to the rise in prices, the salary allowances and facilities provided to the members and officers of the Rajasthan Legislative Assembly and pension and facilities of the pensioners members and family pension and medical facility to the family pensioners appear to be inadequate, therefore it is proposed to amend Sections 3, 3-A, 4, 4-A, 4-C, 5, 6, 8, 8-B, 8-C and 9 of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956 for the purpose of making suitable increase in salary, allowances, pension and facilities etc.The Bill seeks to achieve the aforesaid objectives.Hence the Bill.Statement of Object and Reasons. - For implementing the declaration made by the Hon'ble Chief Minister in the House of the Rajasthan Legislative Assembly an amendment regarding increase in minimum family pension for spouse of deceased Ex-MLAs from rupees 2,500 to rupees 3,500 is proposed.The Bill seeks to carry out in effect the aforesaid declaration.Hence the Bill.Statement of Object and Reasons - (Act 17 of 2015). - The Hon'ble Chief Minister has made announcement on 26.03.2015 to increase the minimum pension of the Ex-Members of the Rajasthan Legislative Assembly from rupees 7,500 to rupees 15,000 with effect from 1st April, 2015 and to increase COnstituency Allowance of the Rajasthan Legislative Assembly Members from rupees 40,000 to rupees 50,000. Looking to the rise in prices it was decided that the amount of pension payable to the Ex-Members of the Rajasthan Legislative Assembly above the minimum pension payable to the Ex-Members of the Rajasthan Legislative Assembly above the minium pension should be increased from rupees 1,000 per month to rupees 1,200 per month for every year or part thereof over first five year and the minimum family pension should be increase from rupees 3,500 to rupees 6,225.To implement the above announcements and decisions, amendments are proposed in Sections 4-A, 4-C and 8-C of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956 suitably.To Bill seeks to achieve the aforesaid objectives.Hence the Bill.Statement of Objects and

Reasons - (Act No. 26 of 2017). - Looking to the rise in prices, the salary, allowances and facilities provided to the members and officers of the Rajasthan Legislative Assembly and pension and facilities of the pensioner members and family pension to the family pensioners appear to be inadequate, therefore it is proposed to amend sections 3, 3-A, 4, 4-A, 4-C, 4-D, 5, 6, 8, 8-B and 8-D of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956 for the purpose of making suitable increase in salary, allowances, pension and facilities etc..The Bill seeks to achieve the aforesaid objectives.Hence the Bill.Statement of Objects and Reasons (Act No. 12 of 2006). - Looking to the rise in the prices, it was considered that the salary payable to the members of the Legislative Assembly be increased suitably. Accordingly Section 4 of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956 is proposed to be amended. It was also considered appropriate that the allowances permissible to the members on account of telephone facility, correspondence, consumption of electricity and water be merged in the constituency allowance payable to the members. Accordingly Sections 2, 8-C, 9 & 11 are proposed to be amended suitably.Pension of the pensioner members is also proposed to be increased. Accordingly, Section 4-A is proposed to be amended.House rent allowance payable to the Speaker was increased in by the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) (Amendment) Act, 2005 (Act No. 13 of 2005) with effect from commencement of the said Act. Now it is proposed that the said increase in the house rent allowance be allowed with effect from 16.1.2004. Accordingly Section 6-A is proposed to be amended.Salary of the Deputy Speaker is proposed to be increased by rupees one thousand with effect from 7.5.2005. Accordingly Section 3 is proposed to be amended.Sumptuary allowance payable to the Speaker, Deputy Speaker, Government Chief Whip, Deputy Government Chief Whip and the Leader of the Opposition is also proposed to be increased. Accordingly Sections 3-A, 5 & 6 are proposed to be amended suitably.This Bill seeks to achieve the aforesaid objectives.Statement of Objects and Reasons (Act No. 25 of 2018). - Section 4-A intra alia provides for reimbursement of expenditure on account of medical treatment of ex-members of the Rajasthan Legislative Assembly. This facility is proposed to be extended to the department children of such members.Section 4-C provides for family pension to the spouse of ex-members. It determination of pension payable under this section, the salary or pension being received from other sources is taken into account and pension under this section is allowed only when the salary or pension being received from other sources is less than the amount of pension payable under this section and in this case also the pension under this section is allowed only to the extent by which the salary and pension being received from other sources is less than the pension payable under this action. Therefore, the rider of salary or pension being received from other sources is sought to be removed from this section.Both the above the facilities are proposed to be given with effect from 1st April, 2018.The Bill seeks to achieve the aforesaid objectives.Hence the Bill.[Received the assent of the Governor on the 11th day of January, 1957; Assent first published in Rajasthan Rajpatra (Extraordinary), part 4-A, dated 12th January, 1957]An Act to provide for emoluments [and pension] [Inserted by Rajasthan 46 of 1976.] to be paid to the Officers and Members of the Legislative Assembly of the State of Rajasthan.Whereas Articles 186 and 195 of the Constitution of India provide for the fixing by law of the salaries and allowances to be paid to the officers and members of the Legislative Assembly for the State;Be it enacted by the Rajasthan State Legislature in the Seventh Year of the Republic of India as follows:-

1. Short title.

- This Act may be called the Rajasthan Legislative Assembly (Officers and Members Emoluments [and Pension] [Inserted by Rajasthan 46 of 1976.]) Act, 1956.

2. Interpretation.

(1) In this Act unless the subject or context otherwise requires. -(a) "appointed day" means the first day of November, 1956; (aa) ["Constituency Allowance" means an allowance to meet personal office expenses incurred by a member in his constituency in the performance of duties of the office of the member;] [Inserted by Rajasthan Act 18 of 1995, w.e.f. 22.5.1995 but amendments made in Section 9 w.e.f. 16.12.1992] (aaa) ["medical facilities" includes facilities for treatment according to the Ayurvedic or Unani Tibbi system of Medicine or Surgery, whether supplemented or not by modern advances; and "medical attendance and treatment" shall be construed accordingly;] [Added by Rajasthan 16 of 1964 and renumbered by Rajasthan 18 of 1995.] (b) ["Member" means a member of the Legislative Assembly of the State, but save as otherwise expressly provided in this Act, does not include- [Substituted by Rajasthan 24 of 1970.] (i) a Minister as defined in the Rajasthan Ministers Salaries Act, 1956 (Act No.43 of 1956); and (ii) an Officer of the Legislative Assembly for the State as defined in this Act;] (c) "Minister" means a Minister of the State of Rajasthan and includes the Chief Minister as well as a Deputy Minister; (d) "Officer" used with reference to the Legislative Assembly for the State, means the Speaker as well as the Deputy Speaker of such Assembly; and (e) "State" means the State of Rajasthan as formed by section 10 of the State Reorganisation Act, 1956 (Central Act 37 of 1956). (2) The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) in force in the pre-reorganisation State of Rajasthan shall so far as may be, apply mutatis mutandis to this Act.

3. Salaries of Officers.

(1) There shall be paid- (a) a salary of [fifty thousand rupees] [Substituted 'thirty three thousand rupees' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] rupees per mensem to the Speaker, and (b) a salary of [forty five thousand rupees] [Substituted 'thirty thousand rupees' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] per mensem to the Deputy Speaker of the Legislative Assembly of the State. (2) The salary fixed by sub-section (1) shall be payable to the Speaker or Deputy Speaker, as the case may be [1st April 2017] [Substituted '1st April, 2012' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] or with effect from the date on which he is chosen as such Speaker or Deputy Speaker under Article 178 of the Constitution, whichever may be later, and until he vacates or resigns or is removed from his office as such Speaker or Deputy Speaker in accordance with law.

3A. Sumptuary Allowance.

- In addition to the salary payable under section 3, there shall be paid, with effect from [1st April 2017] [Substituted '1st April, 2012' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] to the Speaker and the Deputy Speaker of the Legislative Assembly, a sumptuary allowance of [fifty thousand

rupees] [Substituted 'thirty thousand rupees' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] per mensem.

4. Salaries of Members.

- Every member of the Legislative Assembly of the State shall be entitled to receive a salary of [twenty five thousand rupees per mensem with effect from 1st April, 2017] [Substituted 'fifteen thousand rupees per mensem with effect from 1st April, 2012' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] or with effect from the date on which the declaration of the result of his election to the Rajasthan Legislative Assembly is published in the Official Gazette under section 67 of the Representation of the People Act, 1951 (Central Act 43 of 1951), whichever may be later, until he ceases to be such member :Provided that no member shall claim such salary unless he makes and subscribes the oath or affirmation of his office under Article 188 of the Constitution :Provided further that such salary shall be liable to such deductions for continued absence or other cause as may be provided in the rules made by the State Government in this behalf.

4A. Pension and other facilities.

- (1) With effect form [1st April 2017] [Substituted by Raj Act No. 19 of 2012, dated 16.5.2012.] there shall be paid to every person, who has served as a member of the Rajasthan Legislative Assembly for any period upto five years. Whether continuous or not, [a pension of rupees twenty five thousand] [Substituted 'a pension of rupees fifteen thousand' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] per mensem and [an additional pension of rupees one thousand six hundred] [Substituted 'an additional pension of rupees one thousand two hundred' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] per mensem for every year or part thereof, whether continuous or not, beyond the aforesaid period of five years :Provided that no such pension shall be paid to any person for the period during which such person was or is in receipt of any salary as Member of Parliament or any State Legislature or from any State Government or the Central Government, or any Corporation owned or controlled by the Central Government or any State Government or any local authority and if any such salary was or is received the payment of pension shall be suspended for that period :Provided further that the salary or remuneration payable to such person for being such member or for holding such office or being so employed, is in any case less than the pension payable to him under this section, such person shall be entitled only to receive the balance as pension under this section :Provided also that pension payable to a person under this section shall be increased by twenty percent if he has attained the age of Seventy years and shall be increased by thirty percent if he has attained the age of eighty years.Explanation I. - In computing the number of years for the purposes of determining pension under this section, the period during which a person has served as a Minister or as an officer as defined in this Act, or both, by virtue of his membership of the Rajasthan Legislative Assembly shall be taken into account.Explanation II. - If the Legislative Assembly is dissolved before the expiration of the period of 5 years, for the purpose of computing the period as Member of the Legislative Assembly the period commencing with the date of the constitution of the Legislative Assembly after the General Election and ending with the date of dissolution, shall be deemed to be five years.Explanation III. - For the purpose of this section, salary includes salary received under this Act and salary received as :-(i)the President or Vice-President or

Governor of any State or the Administrator of any Union Territory; or(ii)a Member of the Parliament or any State Legislature; or(iii)a Minister or Deputy-Minister of the Government of India or any State; or(iv)the Chairman or Deputy-Chairman of the Council of States, or the Legislative Council of any State; or(v)the Speaker or Deputy Speaker of the House of the People, or of the Legislative Assembly of any State, (6)Explanation IV. - In computing the amount of pension payable to any person under this section, the amount of pension received by him under the Rajasthan Freedom Fighters Aid Rules, 1959 or under any other rules made on the same subject shall not be taken into account.Explanation V. - In computing the number of years for the purpose of determining pension under this section with respect to a person who is elected to the Legislative Assembly in a bye-election, the period commencing with the date on which such person takes oath of his membership and ending with the date of dissolution of the Assembly shall be deemed to be five years.](2)[With effect from [1st April 2018] [Substituted by Rajasthan Act No. 12 of 2010, dated 29.4.2010.], every person entitled to pension under sub-section (1), subject to rules, if any, made in this behalf by the State Government,-(a)shall be entitled to reimbursement of any expenditure on account of medical treatment [of himself and his dependent children] [Inserted by Rajasthan Act No. 25 of 2018, dated 1.10.2018.] equivalent to that permissible to the retired officers of class I services of the state Government; and(b)shall also be entitled to two free non-transferable passes which would entitle him and any other person accompanying him to travel at any time by the Rajasthan State Road Transport Corporation Service on whichever routes it operates, in such class of accommodation and subject to such conditions as may be prescribed.Provided that where such person is also entitled to any of the aforesaid facilities for the time being as the President, Vice-President, or Governor of any State or the Administrator of any Union Territory or as Member of Parliament or of any other State Legislature or the National Capital Territory of Delhi or 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, he shall not be entitled to that facility to that extent.](3)Where a person has served as a Member of Parliament, whether in the House of the People after being chosen by direct election from any territorial constituency in the State of Rajasthan or in the Council of States as a representative of the State, he shall be entitled to one free non-transferable pass which would entitle him to travel at any time by the Rajasthan State Road Transport Corporation service on whichever route it operates, in such class of accommodation and subject to such conditions as are prescribed under sub-section (2).

4B. [Family pension. [Inserted by Rajasthan 14 of 1978.]

(1)Notwithstanding anything contained in section 4-A, but subject to such rules as may be prescribed, where [on or after 8th day of March, 1985], any member of the Legislative Assembly dies before the expiry of the term of his office, his or her spouse shall be paid family pension of [an amount per mensem equivalent to the salary which such member would have been entitled to had he been alive] [Substituted by Rajasthan 3 of 1989.] for the unexpired portion of the term of office of such deceased member:Provided that if the spouse of the deceased member re-marries, he or she shall not be paid any pension under this sub-section.(2)Where more than one wife has survived the deceased member the amount of family pension payable under sub-section (1) shall be paid to such wives in equal shares.(3)Where no spouse has survived the member, or the surviving spouse has remarried, the family pension under sub-section (1) shall be paid in equal shares to the members of

the family of the deceased member. Explanation. - the expression "family" means the sons and unmarried daughters and such parents of the deceased member as were wholly or mainly dependent on him or her at the time of his or her death.][4-C. Family pension to the spouse of the Ex-member. [Substituted by Rajasthan Notification F2(22) vidhi 2/2010 dated, 29.4.2010.](1)The spouse of a deceased Ex-member shall be entitled with effect from [1st April 2017] or with effect from the date of death of such member, whichever is later, to receive per mensem [a family pension equal to rupees twelve thousand five hundred] [Substituted 'a family pension equal to rupees to six thousand two hundred twenty five' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] or equal to fifty percent of the last drawn pension by such member, whichever is higher :[***] [Deleted 'Proviso' by Rajasthan Act No. 25 of 2018, dated 1.10.2018.]

Provided that (i) If the person entitled to a family pension under this section is in receipt of any salary or pension from any other source, then, (a) where the amount of salary or pension being received from other source is equal to or more than the family pension receivable under this section, such person shall not be entitled to any pension under this section; and (b) where the amount of salary or pension being received from other source is less than the amount of family pension receivable under this section, such person shall be entitled to receive family pension under this section in addition to such salary or pension from other source subject, however, that the aggregate of both the family pension under this section and the salary or pension from other source shall not exceed the maximum amount payable under this section as family pension. (ii) If the spouse of such member remarries, he or she shall not be paid any pension under this section; and (iii) Where more than one wife has survived such member, the amount of family pension payable under this section shall be paid to such wives in equal shares.

Explanation I. For the purpose of this section last drawn pension in respect of a member of the Legislative Assembly who had died or resigned before the expiry of his term of his office shall be the amount to which such member would have been entitled under section 4-A on the day immediately following the day of his death or, as the day case may be, resignation, and in respect of an Ex-member who did not draw pension before his death. Shall be the amount to which such member would have been entitled under section 4-A on the day immediately following the day of expiry of his last term of office. Explanation II. - In computing the amount of pension payable to any person under this section, the amount of pension received by him under the Rajasthan freedom Fighters Aid Rules, 1959 or under any other rules made on the same subject shall not be taken into account ; and (2) With effect from 1st April, 2012 every person entitled to family pension under this section, subject to rules, if any, made in this behalf by the State Government, shall be entitled to reimbursement of any expenditure on account of medical treatment equivalent to that permissible to the retired officers of class I services of the State Government.]

4D. Free travelling facility to Ex-members.

(1) With effect from [1st April 2017] [Substituted '1st April, 2010' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.], every person, who has served as a member of the Rajasthan Legislative Assembly shall be entitled to receive reimbursement of actual fare of any journey undertaken by him, either alone or with persons accompanying him, within the territory of India in any class of railway, air, ship or steamer, subject to a maximum limit of [rupees fifty thousand] [Substituted 'rupees twenty

five thousand' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] in a financial year, in such manner and subject to such conditions as may be prescribed by rules made in this behalf.

5. Salaries of Government Chief Whip and Deputy Government Chief Whip.

(1)[There shall be paid, with effect from [1st April 2017] [Substituted by Rajasthan F2 (19) vidhi-2/2005 dated 11.5.2005.] or with effect from the date on which he may thereafter enter upon his office, whichever may be later, a salary of [forty five thousand rupees] [Substituted 'thirty thousand rupees' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] per mensem to the Government Chief Whip and a salary of [forty two thousand rupees] [Substituted 'twenty seven thousand rupees' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] per mensem to the Deputy Government Chief Whip.](2)[In addition to the salary payable under sub-section (1), there shall be paid, with effect from [1st April 2017] [Substituted by Rajasthan F2 (25) vidhi-2/2006, dated 24.4.2006.] or with effect from the date on which he may thereafter enter upon his office, whichever may be later, to the Government Chief Whip and Deputy Government Chief Whip, a sumptuary allowance of [forty five thousand rupees] [Substituted 'thirty thousand rupees' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] per mensem.]Explanation. - For the purpose of this section "Government Chief Whip" or "Deputy Government Chief Whip" means that member of the Rajasthan Legislative Assembly who is Chief Whip or Deputy Chief Whip for the time being in the Assembly of the party in Government having the greatest numerical strength in that Assembly.(3)If any doubt arises as to which is or was at any material time the party in the Government having the greatest numerical strength in the Assembly, or as to who is or was at any material time the Government Chief Whip or the Deputy Government Chief Whip in that Assembly of such a party, the question shall be decided by the Speaker of the Rajasthan Legislative Assembly and his decision in writing shall be final and conclusive.

6. Salary and Sumptuary Allowance of Leader of the Opposition.- (1) There shall be paid to the Leader of the Opposition, with effect from [1st April 2017] [Substituted '1st April, 2012' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] or with effect from the date on which he may thereafter enter upon his office, whichever may be later, a [salary of forty five thousand rupees] [Substituted 'salary of thirty thousand rupees' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] and a [sumptuary allowance of fifty thousand rupees] [Substituted 'sumptuary allowance of thirty thousand rupees' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] per mensem.

Explanation. - (i) In this Act "Leader of the Opposition" means that member of the Rajasthan Legislative Assembly who is, for the time being, the Leader in that Assembly of the party in opposition to the Government having the greatest numerical strength in that Assembly and recognized as such by the Speaker.(ii)Where there are two or more parties in opposition to the Government having the same numerical strength, the Speaker shall, having regard to the status of the parties, recognize any one of the leaders of such parties as the Leader of the Opposition for the

purposes of this Act and such recognition shall be final and conclusive.]

6A. [Other facilities and allowances to the Speaker, the Deputy Speaker, the Government Chief Whip, the Deputy Government Chief Whip and the Leader of the Opposition. [Substituted by Rajasthan 4 of 1981.]

(1)The Speaker, the Deputy Speaker, the Government Chief Whip, the Deputy Government Chief Whip and the Leader of the Opposition, hereinafter referred to as the "said Officers", shall be entitled without payment of rent or other charge, to the use, throughout their respective term of office, of-(a)[an official residence and furniture in Jaipur, and](b)a State car,and no charge shall fall on the said officers personally in respect of the maintenance of [such residence, furniture or car:] [Substituted by Rajasthan 8 of 1986.][x x x] [Omitted by Rajasthan 10 of 1991.]Provided [x x x] [Omitted by Rajasthan 10 of 1991.] that each of the said officers shall be entitled to an official residence and furniture without payment of rent or other charge in Jaipur upto a period of two months from the date he ceases to be such officer.](2)The use and maintenance of the [residence, furniture] [Substituted by Rajasthan 8 of 1986.] and a State Car referred to in sub-section (1) shall be regulated by rules made in this behalf by the State Government.(3)[Each of the said officers shall be paid a monthly allowance of-(a)two hundred rupees if he avails himself of the use of an official residence provided to him by the State Government in Jaipur but does not avail himself of the use of furniture to which he is entitled under sub-section (1);(b)five hundred rupees if he does not avail himself of the use of an official residence in Jaipur but avails himself of the use of furniture to which he is entitled under the said sub-section at the house owned or taken on rent by him for his residence purposes;(c)seven hundred rupees if he neither avails himself of the use of an official residence in Jaipur nor avails himself of the use of furniture to which he is entitled under the said sub-section; and(d)five hundred rupees if he does not avail himself of the use of a State car.](4)Each of the said officers shall, irrespective of whether or not he avails himself of the use of [the official residence] [Substituted by Rajasthan 8 of 1986.] in Jaipur to which he is entitled under this section, be further entitled to the concessions of payment of Government for him and on his behalf throughout his term of office and upto a period of two months from the date he ceases to be such officer, of all charges due from him on account of consumption of electricity and water at his residence:Provided that such payment shall not exceed such limits as may be specified in the rules made in that behalf by the State Government.(5)Each of the said officers shall further be entitled to receive, in accordance with rules made by the State Government in that behalf,-(a)travelling allowances for himself and the members of his family for the transport of his and his family's effects-(i)in respect of the journey to Jaipur from his usual place of residence outside Jaipur for assuming office: and(ii)in respect of the journey from Jaipur to his usual place of residence outside Jaipur on relinquishing office; and(b)travelling and daily allowances in respect of journeys (including journeys outside India) undertaken by him in the discharge of his official duties or in the public interest.(6)Any travelling allowance paid under sub-section (5) may consist either of a payment in cash or free official transport.(7)Subject to any rules made in this behalf by the State Government, each of the said officers and the members of his family shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment.(8)Subject to rules if any, made in this behalf by the State Government, each of the said officers may be granted by the State Government in appropriate cases any concession or special

facility including the reimbursement thereof, outside the State, for the following items:-(i)medical treatment;(ii)medical attendance or travelling allowances for such journey performed by him; and(iii)accommodation including diet for the purposes of such treatment.(9)Subject to any rules made in this behalf by the State Government, each of the said officers shall be entitled to telephone at his residence in Jaipur and in his office.(10)The Government Chief Whip and the Deputy Government Chief Whip shall be entitled to such postal facilities as may be prescribed.(11)There shall be paid to each of the said officers, by way of a repayable advance, such sum of money for the purchase of a motor car and on such terms as the State Government may by rules, determine in order that he may be able to discharge conveniently and efficiently, the duties of his office.(12)None of the said officers in receipt of a salary or allowances under this Act shall be entitled to receive any sum out of the funds provided by the Legislative Assembly by way of salary or allowances in respect of his membership of the Assembly.)[7] [Renumbered by Rajasthan 4 of 1981.]. Telephone facilities to Whips at recognised parties and Leaders of groups.- The Whips of recognised parties and Leaders of groups in the Legislative Assembly shall be entitled to such telephone facilities as may be prescribed.Explanation. - For the purposes of this section-(i)"recognised party" means a party having a membership of more than the quorum prescribed for the sittings of the Assembly for the time being;(ii)"group" means an association of members recognised by the Speaker as a group.

8. Allowances of Members.

(1)Subject to such conditions and restrictions as may be prescribed, every member of the Legislative Assembly shall be entitled to receive, for his attendance required in connection with his duties, as such member :-(a)travelling allowance at the prescribed rates in accordance with rules made in that behalf, and(b)daily allowance at the rate of [one thousand five hundred rupees] [Substituted 'one thousand rupees' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] per day within the State and [one thousand seven hundred fifty rupees] [Substituted 'one thousand two hundred fifty rupees' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] per day outside the state subject, however that such allowance shall not be admissible for such period as is in excess of fifteen days in a calendar month except when the Legislative Assembly is in session :Provided that no sum on account of any such allowance shall be paid to a member before he has made and subscribed the oath or affirmation of his office prescribed by Article 188 of the Constitution :Provided further that until rates are prescribed under clause (a), travelling allowance shall be payable thereunder to the members of the Legislative Assembly at the rates admissible to Government servants of the first class.(2)Notwithstanding anything contained in the proviso to sub-section (1), every member of the provisional Legislative Assembly of the State formed by virtue of section 28 of the State Reorganisation Act, 1956 (Central Act 37 of 1956) shall be entitled to draw travelling and daily allowances at the rates and in the circumstances specified in sub-section (1) with effect from the appointed day.(3)Every member shall be entitled to transit facilities to bring his wife or her husband, as the case may be, from the place where such member ordinarily resides to Jaipur and back once during every session of the Rajasthan Legislative Assembly at Government cost in the same class to which the member is entitled to travel.(4)For the purpose of sub-section (1), a member shall be deemed to have attended a meeting of the Rajasthan Legislative Assembly on any day during any session if after having come to Jaipur to attend such meeting, he or she has been prevented from actually attending it on that day on account of illness or in obedience to an order of

a court :Provided that according to the final order of the court the member was not disqualified from attending such meeting on the day on which he or she has been so prevented from attending it by the order of the court.

8A. [Free transit by road transport service. [Inserted by Rajasthan 16 of 1964.]

- Every member shall be provided with [two free non-transferable passes] [Substituted by Rajasthan 8 of 1986.] which would entitle him [and any other person accompanying the member] [Inserted by Rajasthan 4 of 1981.] to travel [at any time by the Rajasthan State Road Transport Corporation Service on whichever route it operates] [Substituted by Rajasthan 16 of 1969.] in such class of accommodation and subject to such conditions as may be prescribed:Provided that nothing contained in this section shall be construed as disentitling a member to any travelling allowances to which he is otherwise entitled under the provisions of this Act.]

8B. [Free Railway travelling facilities to Members. [Substituted by Raj Act No 12 of 2010, dated 29.4.2010.]

(1)Every member shall be entitled to receive reimbursement of actual fare of any Journey undertaken by him, either alone or with persons accompanying him, within the territory of India in any class of railway, air, ship or steamer, subject to a maximum limit of [rupees two lakh] in a financial year, in such manner and subject to such conditions as may be prescribed by rules made in this behalf.(2)Where the total amount of reimbursement received in a financial year under sub-section (1) is less than rupees [rupees two lakh] [Substituted 'rupees one lakh fifty thousand' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] the amount by which the amount of reimbursement is less than [rupees two lakh] [Substituted 'rupees one lakh fifty thousand' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] shall be carried forward in next financial year or years and the member shall be entitled to utilize such amount at any time before expiry of his term as member.(3)Where a Member entitled to receive travelling allowance under section 8, chooses to travel by air, ship or steamer, he shall be entitled to surrender such part of the facility provided by sub-section (1) as is equivalent to the difference between the air, ship or steamer fare actually paid by him and the railway fare to which he is entitled under that section and receive the cash equivalent of the facility so surrendered :Provided that aggregate amount so paid either as railway fare or in respect of air, fare or as the difference between the air fare and the railway fare or as or in respect of any of them shall not exceed rupees [rupees two lakh] [Substituted 'rupees one lakh fifty thousand' by Rajasthan Act No. 26 of 2017, dated 18.5.2017.] within a financial year.Explanation. - For the purposes of this section, a member shall include a Minister as defined in the Rajasthan Ministers Salaries Act, 1956 (Act No. 43 of 1956) and an Officer of the Legislative Assembly for the State as defined in this Act.]

8C. [Constituency Allowance. [Inserted by Rajasthan Act 18 of 1995 [22.5.1995]]

(1)A member shall be entitled to receive the constituency allowance of [rupees six thousand per month],(2)For the avoidance of doubts, it is hereby declared that the constituency allowance admissible under sub-section (1) shall be in addition to, and not in derogation of, any other allowances or facilities admissible (whether in cash or in kind) under the Act.]

8D. [Secretarial Assistance to members. [Substituted by Rajasthan Act No 12 of 2010, dated 29.4.2010.]

- Every member shall be provided with an employee, drawing pay in a Grade Pay not exceeding the Grade Pay No. 9 as specified in the Rajasthan Civil Services (Revised Pay) Rules, 2008, by the revenue department of the State Government as secretarial assistance or, at the option of the member, a lump sum amount of [thirty thousand rupees] per mensem shall be paid to the member in lieu of the secretarial assistance.]

9. Amenities.

- [(1)] [Renumbered by Rajasthan 23 of 1975.] Every Member of the Legislative Assembly shall be entitled to such [medical facilities for himself and for members of his family and to such] [Substituted by Rajasthan 16 of 1964.] housing [and telephone] [Substituted by Rajasthan 4 of 1981.] facilities as may be prescribed.[Explanation. - For the purpose of sub-section (1), housing facility shall include-] [Added by Rajasthan 23 of 1975.](i)[grant on account of consumption of electricity and water of rupees [one thousand five hundred] [Substituted by Rajasthan 1 of 1983.] per month] to members residing at Jaipur and occupying their own or hired accommodation or the Government accommodation on standard rent;(ii)grant of house rent allowance at such rate and subject to such conditions and restrictions as may be prescribed: Provided that such house rent allowance shall be admissible to [members residing at Jaipur in the accommodation owned or hired by them] [Substituted by Rajasthan 25 of 1976.] [with effect from the date of commencement of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension)] [Substituted by Rajasthan 4 of 1981.] [(Amendment) Act, 1987] [Substituted by Rajasthan 20 of 1987.] or from the date of occupation of such accommodation whichever is later; and[(ii-a) allotment of Government residential accommodation on rent at Jaipur for such period as may be prescribed] [Inserted by Rajasthan 1 of 1983 with retrospective effect from the beginning.] [x x x] [Certain words deleted by Rajasthan Act 18 of 1995, w.e.f. 22.5.1995 but amendments made in Section 9 w.e.f. 16.12.1992],[(ii-b) supply of furniture, electricity and water, during the period of allotment of Government residential accommodation under clause (ii-a) in accordance with the provisions of this section;] [Inserted by Rajasthan Act 18 of 1995, w.e.f. 22.5.1995 but amendments made in Section 9 w.e.f. 16.12.1992.](iii)[supply of furniture worth fifty thousand rupees, free of charge, to Members residing at Jaipur in the Government accommodation or in the accommodation owned or hired by them with effect from the date of commencement of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) (Amendment) Act, 1998 (Act No.5 of 1998) or from the date of occupation of such accommodation whichever is later.] [Substituted by Rajasthan 5 of 1998 [30.3.1998].][(1-A) Every member shall be entitled to a correspondence allowance of [rupees one thousand] [Inserted by Rajasthan, 4 of 1981.] per mensem.](2)[x x x] [Sub-section (2) deleted by Rajasthan Act 18 of 1995, w.e.f. 22.5.1995 but amendments made in Section 9 w.e.f. 16.12.1992.](3)[

Every member shall immediately after the expiration of the period referred to in clause (ii-a) of the Explanation below sub-section (1) vacate the Government residential accommodation allotted to him, failing which, notwithstanding anything contained in the Rajasthan Public Premises (Eviction of Unauthorised Occupants) Act, 1964 (Rajasthan Act No. 2 of 1965) or any other law for the time being in force, an officer authorised by the State Government in this behalf may take possession of such residential accommodation together with the furniture referred to in clause (iii) of the Explanation aforesaid and may for the purpose use such force as may be necessary in the circumstances. Explanation. - For the purpose of this sub-section 'Member' includes a person who has ceased to be a member or an officer referred so in sub-section (1) of section 6-A as a 'said officer'.] [Inserted by Rajasthan 4 of 1981.]

9A. [Amenities to Chairman of committees. [Inserted by Rajasthan 7 of 1969.]

- Every Chairman of a Committee of the Legislative Assembly shall be entitled to a free telephone and such postal facilities as may be prescribed. Explanation. - For the purpose of this section, "Committee of the Legislative Assembly" means any committee which is appointed, elected or nominated by or under the Rules of Procedure and Conduct of Business in the Rajasthan Legislative Assembly.]

10. Officers not to practice profession, etc.

- An Officer for the time being of the Legislative Assembly shall not, during the tenure of his office, practise any profession or engage in any trade or undertake for remuneration any employment other than his duties as such officer.

11. Rules.

(1) The State Government shall, by notification in the Official Gazette, 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 shall- (a) prescribe the conditions and restrictions subject to which daily allowance may be drawn; (b) prescribe the conditions under which the rate at which and the journey for which Travelling Allowances may be claimed; (c) specify the classes of journeys which shall be deemed to have been undertaken by an officer of the Legislative Assembly in the discharge of his duties; (d) prescribe the condition under which the rate at which hospitals and free medical attendance and treatment to be afforded to any officer in the discharge of his official duties; (e) prescribe the medical, housing, [and telephone] [Substituted by Rajasthan 4 of 1981.] facilities [mentioned in section 9] [Substituted by Rajasthan 16 of 1964.]; (f) specify the circumstances in which and the extent to which the salary of a member may be deducted; (ff) [prescribe the rules for drawing pension and the form in which certificates, if any, shall be furnished by any person for the purpose of claiming any pension under this Act] [Inserted by Rajasthan 46 of 1976.]; (g) lay down such other matters as may be or are required to be prescribed by this Act. (3) [Any rule under this Act may be made so as to have retrospective effect from such date, not earlier than the date of commencement of this Act, as the State Government may, by notification in the Official Gazette, appoint.] [Added by Rajasthan 1 of 1983.]

12. Savings.

- Nothing in this Act or in the rules made thereunder shall prevent any officer or member of the Legislative Assembly or any Minister from receiving or being entitled to receive in addition to the salaries and allowances to which he is entitled in accordance with law, any pension, allowance or salary law fully permissible to him as a retired Government servant or otherwise.

12A. [Option to draw allowances at lesser rates. [Inserted by Rajasthan 25 of 1976.]

- Notwithstanding anything contained in this Act, a member who does not wish to draw allowances at the rates admissible to him under this Act, as amended from time to time, may draw such allowances and at such rates as in force on such day as he may elect by notice in writing addressed to the Speaker.]

13. Repeal and Savings.

(1)The Rajasthan Legislative Assembly (Officers and Members Emoluments) Ordinance, 1956 (Rajasthan Ordinance 9 of 1956), is hereby repealed.(2)The said repeal shall not affect the rules made under the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1952 (Rajasthan Act 15 of 1952), in force in the pre-reorganisation State of Rajasthan and such rules as in force immediately before the appointed day shall continue to be in force and shall be deemed, until new rules are made under this Act, to have been made thereunder.

14. [Regulation of certain payments on account of the concessions. [Inserted by Rajasthan 22 of 1957.]

- Notwithstanding anything contained in the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1952 (Rajasthan Act 15 of 1952) of the pre-reorganisation State of Rajasthan all sums of money paid or payable for and on behalf of an officer of the Legislative Assembly whose salary and allowances were governed by the said Act on account of the consumption of electricity and water at his residence shall, subject to the limits specified in section 6-A, be deemed to have been properly and lawfully paid or payable and no demand shall be made on such officer for the refund of the whole or any portion of such payment.]