

Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984

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Act 4 of 1984

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Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984(Act No. 4 of 1984)Last Updated 12th March, 2020[Dated 22.03.1984]An Act to provide for the payment of pension to persons who have been members of the Sikkim Legislative Assembly.Be it enacted by the Legislature of Sikkim in the Thirty-fifth Year of the Republic of India as follows:

1. Short title and commencement.

(1)This Act may be called the Sikkim Legislative Assembly Members (Payment of 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(a)["Assembly" means the Sikkim Legislative Assembly duly constituted under the Constitution (Thirty-sixth Amendment) Act, 1975 and thereafter.] [Substituted by the Sikkim Legislative Assembly Members' (Payment of Pension) Amendment Act No.4 of 1989 w.e.f. 1.4.1989.](b)"term of office" in relation to a member of the Assembly, 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.Explanation I. - Where a general election to the Assembly is held and election does not take place in any constituency for any reason and a Member is elected in that constituency at the election held subsequently, in his case the term of office shall be deemed to have begun on the date on which the results of the general election in other constituencies were published in the Official Gazette:Provided that where a person having been elected in a general election from more than one constituency resigns from a constituency, then the person who is elected subsequently from that constituency shall be deemed to

have been elected on the date on which the results of the general election in other constituencies were published in the Official Gazette. Explanation II. - Where any Member of the Assembly resigns his seat for any cause, then for the purpose of calculating his term of office, the period during which he would have continued to be a Member but for his resignation shall be taken into consideration and he shall be deemed to have served as a Member for that period also: Provided that the maximum period which may be taken into consideration shall not exceed three months in the case of any Member. Explanation III. - Where any Assembly is dissolved earlier, but not earlier than six months prior to the date on which its duration would have expired under the provisions of clause (1) of article 172 of the Constitution of India, then, for the purpose of calculating the term of office of any Member thereof, the period during which he would have continued to be a Member of the Assembly if it had not been dissolved earlier, shall be taken into consideration and he shall be deemed to have served as a Member for that period also.

3.

(1) On and from the commencement of this Act, there shall be paid a life long pension of three hundred rupees per month to every person who has served as a Member of the Assembly for a period of five years whether before or after the commencement of this Act and whether continuous 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 fifty rupees per month 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 month: Provided further that, any person who has served as aforesaid for a period which falls short of five years by not more than sixty days shall also be paid a pension of three hundred rupees per month. (2) In computing the number of years for the purposes of subsection (1) the period during which a person has served as a Speaker or Deputy Speaker of the Assembly or as Chief Minister, Minister, Minister of State or Deputy Minister or in more than one of those capacities by virtue of his membership of the Assembly, shall also be taken into account.

4.

(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 States 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 so employed, or where the remuneration referred to in clause (c) paid to such person is in either case, less than the pension payable to him under section 3 such person shall be entitled only to receive the balance as pension under that section. (2) Where any person entitled to pension under section 3 also receives any pension from the Central Government

or any State Government, or any Corporation, owned or controlled by the Central Government or the State Government, or any local authority, under any law or otherwise, then (a) where the amount of pension which he receives under such law or otherwise is more than five hundred rupees per month, such person shall not be entitled to any pension under section 3(b) where the amount of pension which he receives under such law or otherwise is less than five hundred rupees per month, such person shall be entitled to full or portion of the pension under section 3, so that the total amount of the pensions does not exceed five hundred rupees per month (3) Notwithstanding anything contained in sub-section (2), where any person entitled to pension under section 3 also receives any pension from the Central Government or any State Government as a freedom-fighter, then such pension shall not be taken into consideration in deciding the amount of pension to which he is entitled under that section.

5.

If any person to whom pension is payable under this Act has not paid any amount payable by him to the State Government or the Assembly, the amount so payable may be recovered from the amount payable as pension.

6.

(1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: (i) the form in which and the authority to which an application for pension shall be made (ii) the certificates to be furnished along with an application for pension; (iii) the declarations to be made at the time of drawing pension; (iv) any other matters necessary for proper implementation and enforcement of this Act. (3) Any rules under this section may be made so as to be retrospective from any date not earlier than the date of commencement of this Act.

7. Decisions on questions relating to Pensions.

- If there is any doubt or dispute as to whether a person is entitled to pension or as to the amount of pension or all to the period for which he shall be entitled to pension under this Act, the matter shall be referred to the Speaker of the Assembly, who shall in consultation with the State Government, decide the question and such decision of the Speaker shall be final.