(As passed by the Legislative Assembly of the National Capital Territory of Delhi on the 25th August, 1994)

Bill No.17 of 1994

THE MEMBERS OF LEGISLATIVE ASSEMBLY OF THE NATIONAL CAPITAL TERRITORY OF DELHI (SALARIES, ALLOWANCES, PENSION, ETC.)
Bill, 1994.

A

BILL

to provide for the salaries, allowances, pension etc.

of Members of Legislative Assembly of the National Capital

Territory of Delhi.

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Forty-fifth year of the Republic of India as follows:-

- 1. Short title and commencement-(1) This Act may be called the Members of Legislative Assembly of the National Capital Territory of Delhi (Salaries, Allowances, Pension etc.) Act, 1994.
 - (2) It shall come into force on such date as

Monday

R. T. L D'SOUZA
Under Secretary (L. A.)
Law, Justice & Legislative Affairs
Governor N. C. L. of Delai

the Lt. Governor may, by notification in the Official Gazette, appoint.

- 2. Definitions, In this Act, unless the context otherwise requires,
 - (a) "Committee" means Committee of the Legislative Assembly;
 - (b) "Controlling Officer" means the Secretary;
 - (c) "Day" means a period of twenty-four hours beginning at mid-night;
 - the wife, or husband means "Family" (b) Member, if such wife or husband is residing includes legitimate and Member with such children or step children and parents residing and wholly dependent on such with does not include, in the case of a male Member, more than one wife;
 - (e) "Government" means the Government of the National Capital Territory of Delhi;
 - (f) "Member" means a member of the Legislative
 Assembly but, save as otherwise expressly
 provided in this Act, does not include-
 - (i) A Minister as defined in the Ministers of the Government of the National Capital Territory of Delhi(Salaries and Allowances)
 Act, 1994; and
 - (ii) The Speaker or Deputy Speaker as defined in the Speaker and Deputy Speaker of the Legislative Assembly of the National Capital Territory of Delhi(Salaries and Allowances) Act, 1994;
 - (g) "New Member" means a Member who takes his seat in the Legislative Assembly after the commencement of this Act and includes a Member who is re-elected;
 - (h) "Pensioner" means a person who is eligible to receive pension under this Act;

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R. T. L D'SOUZA

Under Secretary (L. A.)

Law, Justice & Legislative Affilia

Governor N.C. Loft Delai

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- (i) "Secretary" means the Secretary to the Legislative Assembly;
- (j) "Term of Office" in relation to a Member means-
 - (i) where such member is a Member elected a general election held for purpose of constituting a new Legislative the period beginning Assembly, with date the of publication the notification of the Election Commission under section 73 of the Representation of the People Act, 1951 (43 of 1951); or
 - (ii) where such member is a Member elected Legislative bye-election to the the Assembly, period beginning with election referred the date of this to in section 67A of the Representation the People Act, 1951 (43 of 1951) and ending with, in each such case the date on which his seat becomes vacant.
- 3. Salary, Daily Allowance, etc. (1) A Member shall be entitled to receive salary at the rate of one thousand rupees per month during his term of office and shall also be entitled to receive daily allowance at the rate of one hundred fifty rupees for each day on which he attends a meeting of the Legislative Assembly or any Committee thereof or is engaged in any other business connected with his duties as a Member.
- (2) There shall be paid to each Member a constituency allowance of rupees one thousand per mensem.
- (3) There shall be paid to each Member a conveyance allowance of rupees five hundred per mensem.
- (4) There shall be paid to each Member a secretarial allowance of rupees one thousand per mensem.
- 4. Travelling Allowance In respect of every journey performed by a Member to a place outside Delhi on any

R. T. L. D'SOUZA

Under Secretary (L. A.)

Law, Justice & Legislative Affinis

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business connected with his duties as a Member, he shall be entitled to travelling allowance at the rate applicable to Group 'A' officers serving in connection with the Government.

- 5. Medical Facilities— A Member and members of his family shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment in accordance with the Medical Attendance Rules as amended from time to time as applicable to Group 'A' officers of the highest grade of the Government.
- 6. Telephone Facilities— A Member shall be entitled to the installation at Government cost of one telephone (without STD facility) within Delhi at his residence or the place where he ordinarily conducts his work relating to Legislative Assembly and to the reimbursement of full rentals thereof and the local calls made therefrom as admissible to Group 'A' officers of the Government.
- 7. Travelling Facilities- A Member shall be entitled to reimbursement of the expenditure incurred on the journey undertaken either by rail, road or air in India alongwith his/her spouse and dependent children, dependent parents and one companion upto an amount of Rs.15,000/- in a year.
- 8. Motor Car Advance— A Member shall be entitled to an advance upto Rs.50,000/— for purchase of Jeep/Motor Car/ Motor Cycle or any light vehicle or the actual cost of the vehicle, whichever is less, recoverable with interest at the rate applicable to Members of Parliament within a period not exceeding five years from the date of its sanction or before the expiry of his term as Member of the Assembly, whichever is shorter, subject to the following conditions:—
 - (i) On the acceptance of an application for advance, the Member shall execute a deed undertaking to use the advance for the purpose for which, and to fulfil the conditions

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Under Secretary (L. A.)

Law, Justice & Legislative Affairs

Governor N. C. F. of Deline,

which, the advance is sanctioned on and also rendering himself and have property as may been specified security, liable the deed as repayment of the loan and interest due thereon.

- (ii) No transfer, assignment or charge made or created after the execution of the deed under sub-clause (i), in relation to the property specified therein shall be valid against the President of India unless it has been made or created with his previous order in writing.
- (iii) If the member having obtained an advance dies during his term as such Member, the recovery of outstanding advance from his heirs, shall be governed by the Rules applicable to the Members of Parliament.
- 9. Pension- (1) There shall be paid a pension of rupees three hundred per mensem to a Member on completion of four years continuously or in parts, out of the term of five years:

Provided that where any person has served as a Member aforesaid for a period exceeding five years, there shall be paid to him an additional pension of seventy five rupees per mensem for every completed year in excess of rupees three hundred subject to a maximum of seven hundred and fifty rupees per mensem.

(2) Where any ex-Member entitled to pension under sub-section(1)-

(i) is appointed to the office of the President or Vice President of India or is appointed to the Office of the

R. T. L D'SOUZA

R. T. L. D'SOUZA

Under Secretary (L. A.)

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Governor of any State or the Lt. Governor or Administrator of any Union Territory;

- (ii) becomes a Member of the Council of States or the House of the People or of any Legislative Assembly of a State; or Union Territory or any Legislative Council of a State; or
- (iii) is employed on a salary under the Central any Corporation or Government, or controlled by the Central Government any State Government or any local authority or becomes otherwise entitled to any remuneration from such Government, authorities, local Corporation or the case may be, shall not be entitled under sub-clause (1)pension any for the period during which he continues hold such office or as such Member or continues employed, to entitled to such remuneration:

Provided that where the salary payable ex-Member for holding such such Member being such office or the remuneration employed, where or clause (iii) payable in referred to is, in either case, ex-Member such pension payable less than a ex-Member sub-section (1)such under entitled only to receive shall be balance as pension under that sub-section.

ex-Member entitled to pension under Where any is also entitled to any pension sub-section (1) from the Central Government or any State Government Corporation owned or controlled by any any State Government, Government or Central any local authority under any law or otherwise, then -

R. T. L. D'SOUZA

Under Secretary (L. A.)

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- of pension to which the amount (a) where such otherwise law or under entitled in excess of that to which equal to or entitled under sub-section (1), ex-Member shall not be entitled to any pension under that sub-section; and
- of pension to which he the amount (b) where law or otherwise, entitled under such is than that to which he is entitled less sub-section (1), such ex-Member shall entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section:

pension(whether known any Provided that Swatantrata Sainik Samman Pension or by any other name) received by such ex-Member fighter shall not freedom into account for the purposes of this subsection and he shall be entitled to receive addition to the bension in pension to which he is entitled under sub-section(1).

- (4) In computing the number of years, for the purpose sub-section (1), the period during which a served as a Minister as defined in person has the Ministers of the Government of National Capital Territory of Delhi(Salaries and Allowances) Act, 1994 Deputy Speaker as defined in Speaker or the Speaker and Deputy Speaker of the Legislative Assembly of Capital Territory of the National and Allowances) Act, 1994 or Delhi(Salaries by virtue of his membership in the Legislative Assembly shall also be taken into account.
- 10. Repeal- The Members of Legislative Assembly of the National Capital Territory of Delhi(Salaries, Allowances and Pension) Order, 1993 shall cease to have effect as from the date of the enforcement of this Act.

R. T. L. D'SOUZA

Under Sec eta y (L. A.)

Law, Justice C. L. gislative Affairs

Gove, of N.C. F. of Delm

This Bill has been passed by the Legislative Assembly Of the National Capital Territory of Delhi on the 25th August,

Delhi

Dated the 30 August, 1994.

(CHARTI LAL GOEL)
Speaker, Legislative Assembly of the
National Capital Territory of Delhi.

I reserve the Bill for consideration of the President.

Delhi

Daled the

5.09. 1994.

(P.K. DAVE)
LT. GOVERNOR OF THE
NATIONAL CAPITAL TERRITORY OF DELHI.

I assent to this Bill

S. S. Skame
Shanker Daval Sharma

Shanker Dayal Sharma PRESIDENT OF INDIA

Attested

20/12/95

R. T. L D'SOUZA
Under Secretary (L. A.)
Law, Justice & L. gislactive Affairs
Governor N. C. L. of Delai

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DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE **AFFAIRS**

NOTIFICATION

New Delhi, the 19th December, 1995

assent of the President of India on 15th December, 1995 and is hereby published for general information :-No. F. 13(6)/95-LA/2223..- The following Act of Legislativem Assembly received the

THE MEMBERS OF LEGISLATIVE ASSEMBLY OF THE NATIONAL CAPITAL TERRITORY OF DELHI

(SALARIES, ALLOWANCES, PENSION, ETC.) ACT, 1994 (Delhi Act No. 6 of 1995)

(As passed by the Legislative Assembly of the National Capital Territory of Delhi)

A

ACT

of the National Capital Territory of Delhi. to provide for the salaries, allowances, pension etc. of Members of Legislative Assembly

the Forty-fifth year of the Republic of India as follows :---Be it enacted by the Legislative Assmebly of the National Capital Territory of Delhi in

- Legislative Assembly of the National Capital Territory of Delhi (Salaries, Allowances, Pension etc.) Act 1994. Short title and commencement.— (1) This Act may be called the Members of
- the Official Gazette, appoint. It shall come into force on such date as the Lt. Governor may, by notification in
- Definitions,-In this Act, unless the context otherwise requires,-
- "Committee" means Committee of the Legislative Assembly
- **(b)** "Controlling Officer" means the Secretary;
- (c) "Day" means a period of twenty-four hours beginning at mid-night
- (d) "Family" means the wife, or husband of a Member, if such wife or husband is not include in the case of a male Member, more than one wife; and parents residing with and wholly dependent on such Member but does residing with such Member and includes legitimate children or step children
- **e** "Government" means the Government of the National Capital Territory of Delhi;
- \oplus "Member" means a member of the Legislative Assembly but, save as otchrwise expressly provided in this Act, does not includes-
- A Minister as defined in the Ministers of the Government of the National Capital Territory of Delhi (Salaries and Allowances) Act, 1994; and

The Speaker or Deputy Speaker as defined in the Speaker and Deputy

DELHIGAZETTE:EXTRAÓRDINÁRY

- Ξ Speaker of the Legislative Assembly of Delhi (Salaries and Allowances)
- "New Member" means a Member who takes his seat in the Legislative Assembly "Pensioner" means a person who is eligible to receive pension under this Act, after the commencement of this Act and includes a member who is reelected;
- E
- "Secretary" means the Secretary to the Legislative Assembly;
- "Term of Office" in relation to a Member means-
- where such member is a Member elected in a general election held for the under section 73 of the Representation of the people Act, 1951 (43 of 1951); with the date of publication of the notificatin of the Election Commission purpose of constituting a new Legislative Assembly, the period begining
- \equiv where such member is a Member elected in a bye-election to the Legislative section 67A of the Representation of the People Act, 1951 (43 of 1951) and Assembly, the period beginning with the date of this election referred to in ending with, in each such case the date on which his seat becomes vacant.
- engaged in any other business connected with his duties as a Member. which he attends a meeting of the Legislative Assembly or any Committee thereof or is entitled to receive daily allowance at the rate of one hundred fifty rupees for each day on the rate of one thousand rupees per month during his term of office and shall also be Salary, Daily Allowance, etc.-(1) A Member shall be entitled to receive salary at
- thousand per mensem. There shall be paid to each Member a consituency allowance of rupes one
- hundred per mensem. There shall be paid to each Member a conveyance allowance of rupees five
- thousand per mensem There shall be paid to each Member a secretarial allowance of rupees one
- connection with the Government. entitled to travelling allowance at the rate applicable to Group 'A' officers serving in place outside Delhi on any business connected with his duties as a Member, he shall be 4. Travelling Allowance.—In respect of every journey performed by a Member to a
- charge to accommodation in hospitals maintained by the Government and also to medical as applicable to Group 'A' officers of the highest grade of the Government. treatment in accordance with the Medical Attendance Rules as amended from time to time 5. Medical Facilities.-A Member and members of his family shall be entitled free of
- cost of one telephone (without STD facility) within Delhi at his residence or the place where he ordinarily conducts his work relating to Legislative Assembly and to the Group 'A' officers of the Government. reimbursement of full rentals thereof and the Local calls made therefrom as admissible to Telephone Facilities.-A Member shall be entitled to the installation at Government

- 7. Travelling Facilities.-A Member shall be entitled to reimbursement of the expenditure incurral on the journey undertaken either by rail, road or air in India alongwith his/her spouse and dependent children, dependent parents and one companion upto an amount of Rs. 15,000/- in a year.
- 8. Motor Car Advance.-A Member shall be entitled to an advance upto Rs. 50,000/for purchase of Jeep/Motor Cycle or any light vehicle or the actual cost of the vehicle,
 whichever is less, recoverable with interest at the rate applicable to Members of Parliament
 within a period not exceeding five years from the date of its sanction or before the expiry
 of his term as Member of the Assembly, whichever is shorter, subject to the following
 conditions:—
- (i) On the acceptance of an application for advance, the Member shall execute a deed undertaking to use the advance for the purpose for which, and to fulfil the conditions on which, the advance is sanctioned and also rendering himself and such property as may have been specified in the deed as security, liable for the repayment of the loan and interest due thereon.
- (ii) No transfer, assignment or charge made or created after the execution of the deed under sub-clause (i), in relation to the property specified therein shall be valid against the President of India unless it has been made or created with his previous order in writing.
- (iii) If the member having obtained an advance dies during his term as such Member, the recovery of outstanding advance from his heirs, shall be governed by the Rules applicable to the Members of Parliament.
- 9. Pension.-(1) There shall be paid a pension of rupees three hundred per mensem to a Member on completion of four years continuosly or in parts, but of the term of five years:

Provided that where any person has served as a Member aforesaid for a period exceeding five years, there shall be paid to him an additional pension of seventy five rupees per mensem for every completed year in excess of rupees three hundred subject to a maximum of seven hundred and fifty rupees per mensem.

- (2) Where any ex-Member entitled to pension under sub-section (1)—
- is appointed 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 Lt. Governor or Administrator of any Union Territory;
- becomes a Member of the Council of States or the House of the People or of any Legislative Assembly of a State; or Union Territory or any Legislative Council of a State; or
- (iii) is employed on a salary under the Central Government, or any Corporation owned by or controlled by the Central Government or any State Government or any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authorities, as the case may be shall not be entitled to any pension under sub-clause (1) for the period during which he continues to hold such office or as such Member or is employed, or continues to be entitled to such remuneration:

Provided that where the salary payable to such ex-Member for holding such office or being such Member or so employed, or where the remuneration referred to in clause (iii) payable to such ex-Member is, in either cases, less than a pension payable to him under sub-section (1) such ex-Member shall be entitled only to

- receive the balance as pension under that sub-section.

 (4) Where any ex-Member entitled to pension under sub-section (1) is also entitled to any pension from the Central Government or any State Government or any Corporaton owned or controlled by the Central Government or any State Government, or any local authority under any law or otherwise, then—
- (a) where the amount of pension to which he is entitled under such law or otherwise is equal to or in excess of that to which he is entitled under sub-section (1), such ex-Member shall not be entitled to any pension under that sub-section; and
- (b) where the amount of pension to which he is entitled under such law or otherwise is less than that to which he is entitled under sub-section (1), such ex-Member shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section:

Provided that any pension (whether known as Swatantrata Sainik Samman Pension or by any other name) received by such ex-Member as a freedom fighter shall not be taken into account for the purposes of this sub-section and he shall be entitled to receive such pension in addition to the pension to which he is entitled under sub-section (1).

(4) In computing the number of years, for the purpose of sub-section (1), the period during which a person has served as a Minister as defined in the Ministers of the Government of National Capital Territory of Delhi (Salaries and Allownces) Act, 1994 or as Speaker or Deputy Speaker as defined in the Speaker and Deputy Speaker of the Legislative Assembly of the National Capital Territory of Delhi (Salaries and Allowances) Act, 1994 or both by virtue of his membership in the Legislative Assembly shall also be taken into account.

(7). Repeal.-The Members of Legislative Assembly of the National Capital Territory of Delhi (Salaries, Allownces and Pension) Order, 1993 shall cease to have effect as from the date of the enforcement of this Act.