

**Assam Legislative Assembly Members Salaries And
Allowances (Amendment) Act, 1983**

7 of 1983

[18 June 1983]

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PREAMBLE

An

Act

further to amend the Assam Legislative Assembly Members' Salaries and Allowances Act, 1958.

Whereas it is expedient further to amend the Assam Legislative Assembly Members' Salaries and Allowances Act, 1958 (Assam Act XIV of 1958) hereinafter called the principal Act, in the manner hereinafter appearing;

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows:-

1. Short title and commencement :-

(1) This Act may be called the Assam Legislative Assembly Members Salaries and Allowances (Amendment) Act, 1983.

(2) It shall come in to force at come.

2. Amendment of long title :-

In the principal Act (Assam Act. XIV of 1958), in the long title, for the words "Salaries and Allowances" the words "Salaries, Allowances and Pensions" shall be substituted.

3. Amendment of Section 1 of Assam Act XIV of 1958 :-

In the principal Act, in section 1, in sub-section (1), for the words "Salaries and Allowances" the words "Salaries, Allowances and Pensions" shall be substituted.

4. Amendment of Section 4 of the Assam Act XIV of 1958 :-

In the principal Act, in section 4 for sub-section (1), the following shall be substituted, namely:--

"(1) Daily allowance at the rate of Rupees forty-five per day when his attendance is required during the Sessions of the Assembly or during the meetings of any committee of the House of which he is a member or for attending any meeting of a Government committee of which he is a member or for attending any meeting convened by the Government:

Provided that if the Members attendance is required at any place in Meghalaya, Mizoram, Manipur, Nagaland, Arunachal Pradesh and Tripura he shall be entitled to daily allowance at one and half time of the above rate:

Provided further that if the Members attendance is required at any place outside Assam other than the places mentioned above, he shall be entitled to daily allowance at double the rate at which such allowance is admissible to him:

Provided further that a Member may, if he so desires, forgo, either in full or in part, the aforesaid daily allowance,"

5. In section of new section 63 :-

In the principal Act, after section 6 A, the following section shall be inserted, namely:

"6B. Pensions--

(1) With effect from the commencement of the Assam Legislative Members Salaries and Allowances (Amendment) Act, 1983, there shall be paid a pension of rupees four hundred per mensem to every person who has served for a period of five years or for any period shorter than five years as a Member of the Assam Legislative Assembly after commencement of the Constitution of India:

Provided that this provision shall not apply to a person who was

elected as a Member of the Assam Legislative Assembly from any constituency which does not form part of the present State of Assam:

Provided further 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 mensem for every year in excess of five, so, however, that in no case the pension payable to such person shall exceed rupees six hundred fifty per mensem.

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

(i) is elected to the office of the President or Vice-President 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 or a State or Union Territory or any Legislative Council of State; or

(iii) 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 becomes otherwise entitled to any remuneration 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;

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 (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 pension 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, 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 person 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 person 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.

(4) In computing the number of years, for the purposes of sub-section (1), the period during which a person has served as a Minister or Minister of State or Deputy Minister or as Speaker or as Deputy Speaker or as Parliamentary Secretary or as more than any one of the aforesaid by virtue of his membership in the Assam Legislative Assembly shall also be taken into account."

6. Amendment of Section 7 of Assam Act XIV of 1958 :-

In the Principal Act, in section 7, after clause (c), the following clause shall be inserted, namely:

"(cc) to prescribe the form in which certificate, if any, shall be furnished by any Member for the purpose of claiming any pension under this Act."