

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

6 of 1995

[19-12-1995]

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AN ACT 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

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(2) It shall come into force on such date as 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;
- (d) "Family" means the wife, or husband of a Member, if such wife or husband is residing with such Member and includes legitimate children or step children and parents residing with and wholly dependent on such Member but 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 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 reelected;
- (h) "Pensioner" means a person who is eligible to receive pension under this Act;
- (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 in a general election held for the purpose of constituting a new Legislative Assembly, the period beginning with the date of publication of 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 in a bye-election to the Legislative Assembly, the period beginning with the date of this election referred to in section 67A of the Representation of 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

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(2) There shall be paid to each Member a constituency allowance of rupees one thousand per mensem

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(3) There shall be paid to each Member a conveyance allowance of rupees five hundred per mensem

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(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 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 along with 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

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(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

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(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, 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

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(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 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 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

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(3) 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 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 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)

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(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 Allowances) 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

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