

Himachal Pradesh Legislative Assembly Allowances And Pension Of Members Act, 1971

8 of 1971

[18 May 1971]

CONTENTS

1. Short title and Commencement
2. Definitions
3. Salary and Compensatory allowance
4. Travelling allowances
 - 4A. Regularisation of travelling allowance with effect from 1st July 1963 to 24th January, 1971
 - 4B. Constituency secretarial and postal facilities allowance
 - 4BB. Office Allowance
 - 4C. Advance of loan to members for purchase of motor car
 - 4D. House building advance
 - 4E. House building advance to ex-members
 - 4F. Advance of loan for purchase of motor car
5. Amenities
 - 5A. Water and Electricity Allowance
6. Free transit by railway or by air or by State Transport undertaking
 - 6A. Free transit facility by railway or by air or by State Transport Undertaking to ex-members
 - 6AA. Compensatory constituency, secretarial postal facilities and telephone allowances and other perquisites to the exclusive of income tax
 - 6B. Pension
 - 6C. Medical facilities to ex-members
 - 6CC. Telephone facilities to ex-members
 - 6D. Recovery of Government dues from compensatory allowance or pension
7. Power to make rules
8. Interpretation
9. Repeal and savings

Himachal Pradesh Legislative Assembly Allowances And Pension Of Members Act, 1971

8 of 1971

[18 May 1971]

PREAMBLE

An Act to provide allowances of the Members of the Legislative Assembly of Himachal Pradesh.

Amended, repealed or otherwise affected by,-

- (i) H.P. Act No. 16 of 1971², published in R.H.P. Extra., dated the 5th November, 1971, p. 1344-1345.
- (ii) H.P. Act No. 12 of 1972³, published in R.H.P. Extra., dated the 10th May, 1972, p. 448.
- (iii) H.P. Act No. 3 of 1975⁴, published in R.H.P. Extra., dated the 19th March, 1975, p. 318-319.
- (iv) H.P. Act No. 8 of 1976⁵, published in R.H.P. Extra., dated the 2nd April, 1976 p. 1040-1041.
- (v) H.P. Act No. 9 of 1976, published in R.H.P. Extra., dated the 17th April, 1976, p. 1110-1111.
- (vi) H.P. Act No. 43 of 1976⁶, published in R.H.P. Extra., dated the 30th December, 1976, p. 2026-2028.
- (vii) H.P. Act No. 11 of 1977⁷, published in R.H.P. Extra., dated the 1st July, 1977, p. 745-746.
- (viii) H.P. Act No. 8 of 1977⁸, published in R.H.P. Extra., dated the 2nd May, 1977, p. 413.
- (ix) H.P. Act No. 31 of 1978⁹, published in R.H.P. Extra., dated the 13th October, 1978, p. 1357-1358.
- (x) H.P. Act No. 9 of 1979¹⁰, published in R.H.P. Extra., dated the 16th May, 1979, p. 1749-1751.
- (xi) H.P. Act No. 8 of 1981¹¹, published in R.H.P. Extra., dated the 6th May, 1981, p. 341.
- (xii) H.P. Act No. 4 of 1982¹², published in R.H.P. Extra., dated the 30th April, 1982, p. 342.
- (xiii) H.P. Act No. 7 of 1982¹³, published in R.H.P. Extra., dated the 24th July, 1982, p. 714.
- (xiv) H.P. Act No. 16 of 1983¹⁴, published in R.H.P. Extra., dated the 22nd September, 1983, p. 1045-1059.
- (xv) H.P. Act No. 23 of 1984¹⁵, published in R.H.P. Extra., dated the 22nd October, 1984, p. 1803-1804.
- (xvi) H.P. Act No. 10 of 1985¹⁶, published in R.H.P. Extra., dated the 28th September, 1985, p. 1571.
- (xvii) H.P. Act No. 3 of 1986¹⁷, published in R.H.P. Extra., dated the 24th January, 1986 p. 73-74.
- (xviii) H.P. Act No. 16 of 1986¹⁸, published in R.H.P. Extra., dated the 1st September, 1986, p. 1433-1434.

- (xix) H.P.Act No. 3 of 1987¹⁹, published in R.H.P. Extra., dated the
- (xx) H.P.Act No. 12 of 1987²⁰, published in R.H.P. Extra., dated the 8th May, 1987, p. 773.
- (xxi) H.P.Act No. 8 of 1988²¹, published in R.H.P. Extra., dated the 21st May, 1988, p. 861-862.
- (xxii) H.P.Act No. 12 of 1988²², published in R.H.P. Extra., dated the 29th October, 1988, p. 2540.
- (xxiii) H.P.Act No. 13 of 1988²³, published in R.H.P. Extra., dated the 29th October, 1988, p. 2536
- (xxiv) H.P.Act No. 3 of 1989²⁴, published in R.H.P. Extra., dated the 7th February, 1989, p. 239-243.
- (xxv) H.P.Act No. 11 of 1989²⁵, published in R.H.P. Extra., dated the 6th September, 1989, p. 1363-1364.
- (xxvi) H.P.Act No. 2 of 1990²⁶, published in R.H.P. Extra., dated the 6th February, 1990, p. 175.
- (xxvii) H.P.Act No. 13 of 1991²⁷, published in R.H.P. Extra., dated the 9th May, 1991, p. 1071-1072.
- (xxviii) H.P.Act No. 19 of 1991²⁸, published in R.H.P. Extra., dated the 4th November, 1991, p. 2515-2516.
- (xxix) H.P.Act No. 5 of 1994²⁹, published in R.H.P. Extra., dated the 16th May, 1994, p. 1089-1091.
- (xxx) H.P.Act No. 14 of 1995³⁰, published in R.H.P. Extra., dated the 28th November, 1995, p.4765-4766.
- (xxxi) H.P.Act No. 17 of 1996³¹, published in R.H.P. Extra., dated the 24th August, 1998, p. 3213-3214.
- (xxxii) H.P.Act No. 4 of 1997³², published in R.H.P. Extra., dated the 5th February, 1997, p. 384.
- (xxxiii) H.P.Act No. 16 of 1997³³, published in R.H.P. Extra., dated the 9th May, 1997, p. 1712.
- (xxxiv) H.P.Act No. 17 of 1998³⁴, published in R.H.P. Extra., dated the 24th August, 1998, p. 3213-3214.
- (xxxv) H.P.Act No. 11 of 1999³⁵, published in R.H.P. Extra., dated the 11th May, 1999, p. 1625-1628.
- (xxxvi) H.P. Act No. 9 of 2001³⁶, published in R.H.P. Extra., dated the 16th May, 2001, p. 435-438.
- (xxxvii) H.P. Act No. 13 of 2002³⁷, published in R.H.P.Extra., dated 9th May, 2002, P. 327-328.
- (xxxviii) H.P. Act No. 19 of 2003³⁸, published in R.H.P.Extra., dated 22nd September, 2003, P. 1813-1818.
- (xxxix) H.P. Act No. 18 of 2005³⁹, published in R.H.P.Extra., dated

17th May,, 2005, P. 759-762.

(xl) H.P. Act No. 11 of 2006⁴⁰, published in R.H.P.Extra., dated 11th May, 2006, p. 957-958.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:-

1. For Statement of Objects and Reasons see R.H.P. Extra., dated the 19th April, 1971, p. 244. This Act replaces H.P. Ordinance No. 3 of 1971, published in R.H.P. Extra., dated the 25th January, 1971, p. 48-53.

2. For Statement of Objects and Reasons see R.H.P. Extra., dated the 14th September, 1971, p. 1208.

3. For Statement of Objects and Reasons see R.H.P. Extra., dated the 25th April, 1972, p. 438.

4. For Statement of Objects and Reasons see R.H.P. Extra., dated the 19th February, 1975, p. 170.

5. For Statement of Objects and Reasons see R.H.P. Extra., dated the 9th March, 1976, p. 796.

6. For Statement of Objects and Reasons see R.H.P. Extra., dated the 20th September, 1976.

7. For Statement of Objects and Reasons see R.H.P. Extra., dated 8th April, 1977, p. 302.

8. For Statement of Objects and Reasons see R.H.P. Extra., dated the 8th April, 1977, p. 304.

9. For Statement of Objects and Reasons see R.H.P. Extra., dated the 16th October, 1978, p. 1183.

10. For Statement of Objects and Reasons see R.H.P. Extra., dated the 21st April, 1979, p.1547.

11. For Statement of Objects and Reasons see R.H.P. Extra., dated the 21st April, 1979, p.1547.

12. For Statement of Objects and Reasons see R.H.P. Extra., dated the 1st April, 1982, p. 221.

13. For Statement of Objects and Reasons see R.H.P.Extra., dated 30thMay, 1982, p.600.

14. For Statement of Objects and Reasons see R.H.P. Extra., dated the 24th August, 1982, p. 830.

15. For Statement of Objects and Reasons see R.H.P. Extra., dated

the 12th September, 1984, p. 1593.

16. For Statement of Objects and Reasons see R.H.P. Extra., dated the 6th July, 1985, p. 1014.

17. For Statement of Objects and Reasons see R.H.P. Extra., dated the 20th December, 1985, p. 3043.

18. For Statement of Objects and Reasons see R.H.P. Extra., dated the 21st August, 1986, p. 1400.

19. For Statement of Objects and Reasons see R.H.P. Extra., dated the 3rd December, 1986, p. 2188. 8th January, 1987, p. 112.

20. For Statement of Objects and Reasons see R.H.P. Extra., dated the 16th May, 1987, p. 818.

21. For Statement of Objects and Reasons see R.H.P. Extra., dated the 7th April, 1988, p. 493.

22. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 1st September, 1988 p. 2112.

23. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 31st August, 1988, p. 2100.

24. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 10th January, 1989 p. 73.

25. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 29th April, 1989 p. 1070.

26. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 12th November, 1989, p. 2928.

27. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 12th March, 1991 p. 286.

28. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 12th September, 1991 p. 1958.

29. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P.Extra., dated the 5th April, 1994 p. 781.

30. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 29th September, 1995, p. 3931.
31. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., 11th March, 1996, p. 996 & 998.
32. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 5th December, 1996, p. 5476 & 5462.
33. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 10th April, 1997, p. 1260 & 1262.
34. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 30th July, 1998, p. 2840 & 2844.
35. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 12th April, 1999, p. 1297 & 1300.
36. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 12th April, 2001, p. 75 & 77.
37. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 28th March, 2002, p. 4671 and 4676.
38. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 21st July, 2003, p. 975 and 981.
39. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 8.4.2005, p. 410 & 415.
40. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated the 5th April, 2006, p. 80 & 85.

1. Short title and Commencement :-

(1) This Act may be called the Himachal Pradesh Legislative Assembly ¹[(Allowances and Pension] of Members) Act, 1971.

(2) It shall be deemed to have come into force with effect from the 25th January, 1971 ²[but section 4-A shall be deemed to have come in to force on the 1st July, 1963].

1 Substituted for the words "Allowances" vide Act No. 43 of 1976 (Sec. 2).

2 Inserted vide Act No. 16 of 1971.(Sec. 2).

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,

(a) "Assembly" means the Legislative Assembly of Himachal Pradesh;

(b) "Committee" means a Selection Committee or Committee of the Assembly and includes any Committee appointed by the State Government for a purpose connected with the business of the Government;

(c) "members" means a member of the Assembly, other than a Minister Deputy Minister, Speaker and Deputy Speaker;

(d) "Meeting" means a meeting of the Assembly or of a Committee thereof;

(e) "prescribed" means prescribed by rules made under this Act ¹[;]

(f) "Speaker" means the Speaker of the Assembly ²[;XXXX]

³[(g) "Territorial Council" means the Council that existed in Himachal Pradesh during the absence of the Assembly from 1957 to 1963] ⁴[; and]

⁵[(h) "Governor" means the Governor of Himachal Pradesh.]

1 Substituted for sign "; and" vide Act No. 43 of 1976.

2 The sign "." Substituted by the sign and words "; and" vide Act No. Act No. 43 of 1976 and again Substituted by the sign ";" vide Act No. Act No. 10 of 1985.

3 Inserted vide Act No. 43 of 1976.

4 Substituted for the sign "." vide Act No. 10 of 1985.

5 Inserted vide ibid.

3. Salary and Compensatory allowance :-

¹[(1) Subject to the conditions herein contained, there shall be paid to each member a ²(salary at the rate of ³[eight thousand] rupees and) compensatory allowance at the rate of ⁴[five thousand] rupees per mensem with effect from the commencement of this Act or ⁵[from the date on which he is declared duly elected under the Representation of the People Act, 1951 (Act No. 43 of 1951), or if such declaration is made before the vacancy occurs, from the date of occurrence of vacancy], which is later.

⁶[(2) xxx xxx xxx].

⁷[(3) xxx xxx xxx].

(4) Notwithstanding anything hereinbefore contained no ⁸[salary and] compensatory allowance shall be paid to any member in respect of any period during which he was under legal detention under any law for the time being in force.

⁹[Explanation.- The legal detention for this purpose does not include detention under any law relating to preventive detention.]

10[(5) xxx xxx xxx]

1 Substituted for the words "Compensatory allowance." vide Act No. 5 of 194 (sec. 2).

2 Inserted vide ibid.

3 Substituted for words "one thousand and five hundred" vide Act No. 17 of 1998. (Sec.3) again Substituted for the words "two thousand and five hundred" vide Act No. 19 of 2003 again Substituted for the words "four thousand " vide Act No. 11 of 2006.

4 Substituted for the words "five hundred" vide Act No. 3 of 1986 (Sec. 2) again subs for the words "Seven hundred and fifty" vide Act No. 13 of 2002 w.e.f. 1.4.2002 again Substituted for the words "one thousand two hundred and fifty" vide Ace No. 19 of 2003.

5 Substituted for the words "from the date on which he takes his oath" vide Act No. 7 of 1982 (effective w.e.f. 19.5.1982) (Sec.2).

6 Omitted vide Act No. 43 of 1976 (Sec. 4).

7 Omitted vide ibid.

8 Inserted vide Act No. 5 of 1994.

9 Explanation Inserted vide Act No. 8 of 1977. effective w.e.f. 25.6.1975.

10 Omitted vide Act No. 43 of 1976 (Sec. 4).

4. Travelling allowances :-

1[(1) Subject to such conditions and limitations as may be imposed by rules made under this Act, there shall be paid to each member:-

(i) such travelling allowance as may be prescribed;

(ii) a halting allowance at the rate of **2**[five hundred] rupees per day for each day of attendance at a meeting of the Assembly or committee or in respect of journeys undertaken under the orders of the Speaker for any other business anywhere connected with his duties as a member:

Provided that if a member has been ordered to absent himself from a meeting or meetings of the Assembly under the Rules of Procedure and Conduct of Business in the Himachal Pradesh Legislative Assembly for the time being in force, he shall not be entitled to get allowance for such period of absence:

Provided further that a member shall also be entitled to halting allowance,-

(a) where he arrives for attending a meeting of the Assembly one or two days earlier to the date on such meeting, or departs from the place of such meeting one or two days immediately after the date on which the Assembly is adjourning sine die for such one or two days, as the case may be, of arrival and departure; and

(b) where he arrives for attending a meeting of a Committee one day earlier to the date of such meeting or departs from the place of such meeting one day immediately after the conclusion of the business of the Committee, for such one day of arrival and departure;

(iii) an incidental allowance at the rate of five rupees for the day of departure from and an incidental allowance at the rate of five rupees for the day of arrival at the usual place of residence of the member when he leaves his usual place of residence to attend a meeting and returns thereto after the meeting.

³[Explanation-I.- Halting allowance shall be admissible to a member for each day of such arrival and such departure irrespective of the time of arrival and departure.]

⁴[Explanation-II.- A break of less than four days between two successive meetings of the Assembly or Committee shall be deemed to be a day or days of attendance for a member, who does not leave the place of the meeting during such break:]

Provided that nothing in this section shall entitle any member to travelling ⁵[XXXXXXXX]allowance if such person ordinarily resides or carries on business at any place within ⁶[eight kilometres] of the place at which his attendance is required in connection with his duties as member.

⁷[(2) A member who does not wish to draw the halting allowance at the rate of ⁸[four hundred] rupees per day as provided in sub-section (1), shall be entitled to an allowance at the rate of twenty-five rupees for each day during any period of residence on duty from the 25th day of January, 1971, till the dissolution of the existing Assembly and in such case the provisions of clauses (ii) and (iii) of sub-section (1) shall not apply.

Explanation-I.-For the purpose of this sub-section "period of residence on duty" means the period during which a member resides at a place where a session of the Assembly or a sitting of the Committee is held or where any other business connected with his duties as such member is transacted, for the purpose of attending such session or sitting or for the purpose of attending to such other business, and includes, except in the case of a member who ordinarily resides at a place where a session of the Assembly or a sitting of the Committee is held or where any other business connected with his duties as such is transacted-

(i) in the case of a session of the Assembly, a period of such residence, not exceeding three days immediately preceding the commencement of the session and a period of such residence, not exceeding three days, immediately succeeding the date on which the Assembly is adjourned sine die or for a period exceeding seven days; and

(ii) in the case of a Committee or any other business, a period of such residence, not exceeding two days immediately preceding the commencement of the business of the Committee or other business and a period of such residence, not exceeding two days, immediately succeeding the conclusion of the business of the

Committee or other business.

Explanation-II.- Daily allowance shall be admissible to a member for each day of residence on duty irrespective of the time of arrival and departure.]

1 Substituted for the words "Other allowances" vide Act No. 5 of 1994.

2 Substituted "fifty one" for "forty five" vide Act No. 16 of 1983, "seventy five" for "fifty one" vide Act No. 3 of 1986, "one hundred" for "seventy five" vide Act No. 12 of 1988 and "one hundred fifty" for "one hundred" vide Act No. 5 of 1994, Substituted for the words "one hundred and fifty" vide Act, No. 17 of 1998. for the words "two hundred" vide Act No. 11 of 1999 subs for the words " three hundred" vide Act No. 13 of 2002 w.e.f. 1.4.2002 and again Substituted for the words "four hundred" vide Act No. 19 of 2003.

3 Explanation-I Inserted vide Act No. 3 of 1975.

4 Explanation-II Inserted vide ibid.

5 The words "or halting" omitted vide Act No. 18 of 1986 (Sec. 5).

6 Substituted for the words "five miles" vide Act No. 18 of 1988. (Sec. 5).

7 Substituted vide Act No. 12 of 1988.

8 Substituted for the words "one hundred" vide Act No. 14 of 1995 Substituted for "two hundred" vide Act No.11 of 1999 w.e.f. 4.8.1998 again Substituted for "three hundred" vide Act No. 13 of 2002.

4A. Regularisation of travelling allowance with effect from 1st July 1963 to 24th January, 1971 :-

¹[(1) There shall be paid travelling allowance to each member in respect of every journey performed by road for the purpose of attending session of the Assembly or a meeting of a Committee or for the purpose of attending to any other business connected with his duties as a member, from his usual place of residence to the place where the session or the meeting is to be held or the other business is to be transacted and for the return journey from such

place to his usual place of residence at the rate of fifty-five paise per kilometre from the 1st day of July, 1963 to 24th day of January, 1971.

(2) No member shall be entitled to claim any arrears with respect to the period mentioned in sub-section (1).]

1 Section 4-A Inserted vide Act No. 16 of 1971.

4B. Constituency secretarial and postal facilities allowance
:-

¹[There shall be paid to each member a constituency, secretarial and postal facilities allowance at the rate of ²[eight thousand] rupees per mensem:]

³[Provided that a member who is entitled to the services of ministerial staff including a stenographer, from the Central Government or State Government or any Corporation owned or controlled by the Central Government or the State Government or any local authority shall be entitled only to draw the allowance under this section at the rate of ⁴[four thousand and five hundred] rupees per mensem.

Explanation.- For the purpose of this section, the expression "secretarial facility" shall include stenographic assistance.]

1 Section 4-B Inserted vide Act No. 8 of 1976 and Substituted vide Act No. 9 of 1979 (Sec.4).

2 Amended by Act No. 16 of 1983, w.e.f. 1.9.83, Act No. 3 of 1986, Act No. 12 of 1987, Act No. 18 of 1988, vide Act No. 5 of 1994, Act No. 10 of 1996, Act No. 17 of 1997 and subsequently Substituted for the words "four thousand and five hundred" vide Act No. 11 of 1999, again Substituted for the words "five thousand and five hundred" vide Act No. 19 of 2003.

3 Proviso Inserted vide Act No. 12 of 1987.

4 Substituted for the words "one thousand" vide Act No. 11 of 1999.

4BB. Office Allowance :-

¹[There shall be paid to each Member an office allowance at the rate of five thousand rupees per mension.]

1 Section 4-BB added vide Act No. 19 of 2003, Sec. 4-A.

4C. Advance of loan to members for purchase of motor car :-

¹[There may be paid to each member by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for he purchase of motor-car, so that he may be able to discharge conveniently and efficiently the duties of his office as member.

1 Sections 4-C and 4-D Inserted vide Act No.9 of 1979 (Sec.4).

4D. House building advance :-

(1) ¹[There may be paid to a member] by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf for the construction of a house or for the purchase of a built-up house:]

²[Provided that if a member, including a Minister, Deputy Minister, Speaker and Deputy Speaker has received half of the amount of advance and ceases to be the Member of the State Legislative Assembly, he shall be entitled to receive the balance amount of advance admissible to him, irrespective of the fact that he has ceased to be the Member of the Legislative Assembly.]

³[(2) Where a member having obtained house building advance for the construction of a house or for the purchase of a built-up house under sub-section(1) dies and the Governor is satisfied that the pecuniary condition of the family of the deceased is such that the amount advanced cannot be repaid by the family of the deceased,

the amount of such advance or any part thereof which would have accrued after the date of his death in accordance with the terms and conditions of the grant of the advance alongwith interest thereon may be written off with the sanction of the Governor.]

⁴[Explanation I.- The expression "construction of a house" for the purpose of this section, shall include addition to, alteration in, renovation of or repairs of a house.]

⁵[Explanation II.- For the purpose of this sub-section, the expression "member shall also mean and include the ex-members of the Assembly.]

1 Substituted for the words, letter, figure and signs "In case a member does not avail himself of the facility of motor car advance as provided in section 4-C, he may be paid" vide Act No. 16 of 1983 (Sec. 5).

2 Proviso Inserted vide Act No.5 of 1994 (Sec. 5).

3 Sub-section (2) Substituted vide Act No. 10 of 1985 (Sec. 3).

4 Explanation Inserted vide Act No. 23 of 1984 (Sec. 5).

5 Existing Explanation renumbered as Explanation I and new Explanation-II Inserted vide Act No. 13 of 1991.

4E. House building advance to ex-members :-

¹[There may be paid to such ex-members, who have not availed the facility of house building advance as a member, by way of repayable advance, such sum of money, subject to such conditions, as may be determined by rules made in this behalf: for the construction of a house or for the purchase of a built up house.

1 Section 4-E. added vide Act No. 19 of 2003 again section 4-E Substituted and new section 4-F Inserted vide Act No. 18 of 2005.

4F. Advance of loan for purchase of motor car :-

There may be paid to such ex-members, who have not availed the

facility of motor car advance as a member, by way of repayable advance, such sum of money, subject to such conditions, as may be determined by rules made in this behalf: for the purchase of motor car .]

5. Amenities :-

(1) A member shall be entitled to such residential accommodation on concessional rates at the place of sitting of the Assembly as may be prescribed by rules under section 7.

(2) Every member shall be entitled to have a telephone installed at any place with his constituency or at his permanent place of residence, if such facility is available at such place at normal rates and without incurring any additional cost, or at Shimla as may be specified by him, and after the place of installation is so specified, the charges for first installation of, and security deposit and annual rent for such telephone shall be borne by the State Government and all other expenses, such as those relating to local and outside calls shall be paid by the member:

¹[Provided that a member who installs a telephone under this sub-section, shall also be paid telephone allowance at the rate of ²[seven thousand] rupees per mensem;

Provided further that if a member does not instal a telephone at any place within his constituency or at his permanent place of residence or at Shimla, he shall be paid telephone allowance at the rate of ³[two hundred and fifty] rupees per mensem.]

1 Proviso to rule 5(2) amended by 3 of 1975 omitted by 7 of 1978 and again first and second proviso added by 9 of 1977.

2 Amended vide Act No. 16 of 1983, Act No. 3 of 1986, Act No. 8 of 1988, Act No. 5 of 1994 subs for the words "three thousand" Substituted vide Act No. 11 of 1999 and Substituted for the words "four thousand" vide Act No. 13 of 2002 w.e.f. 1.4.2002, again Substituted for the words "five thousand" Act No. 19 of 2003.

3 Substituted for the words "one hundred" vide Act No. 16 of 1983,

for "one hundred and fifty" vide Act No. 3 of 1986 and for

5A. Water and Electricity Allowance :-

¹[²[Every member shall, on the production of actual payees receipt , be entitled to the reimbursement of the amount of electricity and water charges bill paid by him subject to a maximum of one thousand rupees per mensem.]]

1 New Section 5-A Inserted vide Act No. 5 of 1994.

2 Section 5-A. subs, vide Act No. 19 of 2003.

6. Free transit by railway or by air or by State Transport undertaking :-

¹[²[(1) Each member during the term of his office shall be entitled to travel by second class air conditioned railway coach at any time, by any railway in India, as per current coaching tariff issued by the Government of India, Ministry of Railways (Railway Board), alongwith his ³[family] or any person accompanying him to look after and assist him during travel; and shall be entitled for the reimbursement of actual expenses so incurred on production of tickets of such journey performed:

Provided that the aggregate amount so incurred on such journey, in any financial year, shall not exceed the amount of railway tariff, payable for ⁴[one lac] kilometers journey performed by second class air-conditioned railway coach:

Provided further that the member and his ⁵[family] or any other person accompanying him to look after and assist him may travel by any air conditioned railway coach against this reimbursement:

Provided further that journey may also be performed within India by Air ⁶[or by public transport] by the member and his ⁷[family] or any other person accompanying him to look after and assist him during travel, in that event an amount equivalent to the expenses incurred on such journey shall be reimbursed to the Member on

production of tickets of such journey and the amount so reimbursed shall be adjusted against his entitlement to travel by rail:

8[Provided further that the member while on official tour shall also be entitled for the reimbursement of actual expenses so incurred by his **9**[family] or any other person accompanying him to look after and assist him during travel by air or by rail or by public transport on production of tickets for such journey performed.]

Provided further that the aggregate amount payable for the journey performed by railway or by air **10**[or by public transport] in a financial year shall not exceed the amount payable for **11**[one lac] kilometres by second class air conditioned railway coach.

12[Explanation.-For the purpose of this sub-section, expression "family" shall mean the spouse their unmarried son(s) and daughter(s) including unmarried adopted son and daughter.]

(1-A) Each Member shall be entitled for an advance not exceeding rupees ten thousand on his request to undertake such journey and the advance so paid shall be adjusted before the closing of financial year, failing which the entire advance shall be recovered from his salary and allowances in lump-sum.

Explanation.- For determining the aggregate amount so incurred on such journey under this section, the amount so incurred in the same financial year by journey performed by railway or air under section 7 of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 2000, or under section 10-A of Himachal Pradesh Legislative Assembly Speakers and Deputy Speakers Salaries Act, 1971 shall be taken into account.

(1-B) Each Member shall be provided with two free non-transferable passes which shall entitle him and his wife or any other person accompanying him to look after and assist him to travel at any time without payment or fare and passenger tax thereon by any public service vehicle of the Himachal Road Transport

Corporation.]

(2) The ¹³[XXXXXXXXXXXX]free passes issued to a member under sub-section (1) shall be valid for the terms of his office and on the expiration of such term these shall be surrendered by him to the Secretary of the Himachal Pradesh Legislative Assembly.

(3) Nothing in this section shall be construed as disentitling a member to any travelling allowance to which he is otherwise entitled under the provisions of this Act or rules made thereunder.]

1 Section 6 amended vide Act No. 9 of 1977, Act No. 8 of 1981 Substituted vide Act No. 16 of 1983 w.e.f. 1.9.1983.

2 Sub-section (1) Substituted vide Act No. 9 of 2001.

3 Substituted for the words "spouse" vide Act No. 11 of 2006.

4 Substituted for the words "eighty thousand" vide Act No. 11 of 2006.

5 Substituted for the words "spouse" vide Act No. 11 of 2006.

6 Added vide Act No. 19 of 2003.

7 Substituted for the words "spouse" vide Act No. 11 of 2006.

8 Proviso added vide Act No. 19 of 2003.

9 Substituted for the words "spouse" vide Act No. 11 of 2006.

10 Added vide Act No. 19 of 2003.

11 Substituted for the words "eighty thousand" vide Act No. 11 of 2006.

12 Explanation Inserted vide Act No. 11 of 2006.

13 The words "coupon books and the" deleted vide Act No. 9 of 2001.

6A. Free transit facility by railway or by air or by State Transport Undertaking to ex-members :-

¹[An ex-member shall be entitled to travel by second class air

conditioned railway coach, at any time by any railway in India, as per current coaching tariff, issued by the Government of India, Ministry of Railways (Railway Board), alongwith his spouse or any person accompanying him to look after and assist him during travel and shall be entitled for the reimbursement of actual expenses so incurred on production of tickets of such journey performed:

Provided that the aggregate amount so incurred on such journey, in any financial year, shall not exceed the amount of railway tariff payable for fifteen thousand kilometers journey performed by second class air conditioned railway coach:

Provided further that an ex-member and his spouse or any other person accompanying him to look after and assist him may travel by any air conditioned railway coach against this reimbursement:

Provided further that journey may also be performed within India by air or by public transport by an ex-member and his spouse or any other person accompanying him to look after and assist him during travel and in that event an amount equivalent to the expenses incurred on such journey shall be reimbursement to such ex-member on production of tickets of such journey and the amount so reimbursed shall be adjusted against his entitlement to travel by rail:

Provided further that the aggregate amount payable for the journey performed by railway or by air or by public transport in a financial year shall not exceed the amount payable for fifteen thousand kilometers by second class air conditioned railway coach.]

1 Section 6-A Inserted and existing 6-A renumbered as 6-AA vide Act No. 19 of 2003.

6AA. Compensatory constituency, secretarial postal facilities and telephone allowances and other perquisites to the exclusive of income tax :-

¹[The ²[salary and compensatory], constituency, secretarial, postal facilities and telephone allowances payable to a Member and other

perquisites admissible to him, under this Act, shall be exclusive of the income tax which shall be payable by the State Government.

Explanation.- The amount of income-tax payable by the State, would be first slab of the income assessed for income tax i.e. in assessing this amount, the other sources of income of the member concerned shall not be taken into consideration.]

1 Inserted vide Act No. 9 of 1976.

2 Substituted for the words "compensatory" vide Act No. 5 of 1994.

6B. Pension :-

¹[(1) There shall be paid a pension of Rs. ²[5000 per mensem to every person who has served for any period up to five years] as,-

(a) a member of Assembly; or

(b) a member of the Territorial Council; or

(c) partly as a member of the Assembly and partly as a member of the Territorial Council; or

³[(d) a member of-

(i) the Legislative Assembly of the erstwhile State of Patiala and east Punjab States Union; or

(ii) the Legislative Assembly of the erstwhile Punjab State; or

(iii) the Legislative Council of the erstwhile Punjab State; or

(iv) partly as a member of the one and partly as a member of the other;

who has been elected or nominated to represent the whole or the part of the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966. ⁴[XXXXXX]

(e) partly as a member of the Assembly and partly as a member of the Legislative Assembly of erstwhile State of Patiala and East Punjab States Union or the Legislative Assembly/Council of the erstwhile State of Punjab, as the case may be,

⁵[xxx xxx xxx]

⁶[Provided that where any person has served as aforesaid for a period exceeding first term, there shall be paid to him an additional pension of Rs. ⁷[200/-] per mensem for every year in excess of the period of first term; provided that [xxx xxx xxx]⁸ for this purpose, the fraction of a year shall be counted as one year:

⁹[xxx xxx xxx]

¹⁰[Provided further that while reckoning the period for the determination of the additional pension payable under the preceding proviso in the case of members elected from the constituencies comprised of Snow-bound area (non-Synchronous area) where the elections are or may be conducted on any day subsequent to the day fixed for the general elections, the period intervening the date on which the oath is administered to the members elected to the Assembly in the general elections and the date on which the oath is administered to the members elected from the Snow-bound area (non-Synchronous area) shall also be counted.

Explanation.- The expression "Snow bound area (non-Synchronous area)" means the area comprising Kinnaur Lahaul and Spiti district and Pangi and Bharmaur tehsils in Chamba district].

(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 Administrator of any Union territory; or

(ii) becomes a Member of **12**[XXXXX]any Legislative Assembly of a State or a Union territory or Legislative Council of State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966; or

(iii) is employed on a salary under the Central Government or any State Government or in a Corporation owned or controlled by the Central Government or any State Government or local authority or becomes otherwise entitled to any remuneration from State Government, Corporations 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.

13[(3) Where any person entitled to pension under sub-section (1) is also entitled to any pension, such person shall be entitled to receive the pension under sub-section (1) in addition to such other pension.]

(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, as defined in the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971 or the Speaker or the Deputy Speaker of the Assembly or the Chairman of the Territorial Council shall also be taken into account.

14[(5) Where any person who draws pension or is entitled to draw pension, under sub-section (1)] , dies,-

(i) his / her spouse during his/ her life time or till he/ she remarries; or

(ii) if such person leaves no spouse his minor children till they attain the age of majority and in case of daughters till they get married;

shall be entitled to draw pension **15**[at the rate of 50% of pension as admissible to such person.

16[xxx xxx xxx]

Provided that where more than one person becomes entitled for pension under this sub-section all such persons shall draw the said pension in equal shares.

17[(5-A) Notwithstanding anything to the contrary contained in this section where a person would have been entitled to draw pension under sub-section (1) or sub-section (1-A) of this section but for his death before the 7th day of February, 1989 he could not draw such pension, his spouse, minor children or un-married daughters shall be entitled to draw pension under sub-section (5), as if such person was alive on the 7th day of February, 1989.]

18[(6) Notwithstanding anything to the contrary contained in this

xxx, recommending anything to the contrary, contained in this section, where a person would have been entitled to draw pension, under sub-section (1) but for his death before the 31st day of December, 1976 he could not draw such pension-

(i) his/ her spouse during his/her life time or till he/ she remarries ;
or

(ii) if such a person leaves no spouse, his/ her minor children till they attain the age of majority and in case of daughters till they get married ;

shall be entitled to draw pension equal to a sum which would have been drawn by such a person as pension under this section as if such person was alive on the 31st day of December, 1976 or the sum of rupees three hundred and Seventy five per mensem, whichever is higher ;

Provided that the upper limit of rupees three hundred and seventy five shall not apply for the pension under this sub-section for the period from the 24th day of January, 1986 to the 31st day of March, 1988:

Provided further that where more than one person becomes entitled to pension under this sub-section, all such person shall draw the said pension in equal shares.]

19[xxx xxx xxx]

(7) Every person who draws pension/family pension or is entitled to draw pension family pension shall, in addition to the pension/family pension admissible under this section, be paid dearness relief in pension at the same rates as is admissible to other pensioners of the State Government.]

w.e.f. 31.12.1976, again amended vide Act No. 18 of 1986.

2 Substituted figure "500" for the figure "300" vide Act No. 18 of 1986, figure "1000" Substituted for figure "500" vide Act No. 5 of 1994 again Substituted for the words "Rs. 1000 per mensem to every person who has served for a period of not less than five years whether continuous or not" vide Act No. 17 of 1998, Substituted for "1500" vide Act No. 18 of 2005.

3 Inserted vide Act No. 31 of 1978 w.e.f. 31.12.1976 amended vide Act No. 4 of 1982 w.e.f. 31.12.1976.

4 The words "and is an ordinary resident of the Territories as comprised in the State of Himachal Pradesh" omitted vide Act No. 9 of 1982 w.e.f. 31.12.1976.

5 Proviso before existing proviso Inserted vide Act No. 11 of 1977 and deleted vide Act No. 17 of 1998.

6 Proviso amended vide Act No. 11 of 1977 and Act No. 17 of 1989 again existing first proviso Substituted by 1st and second provisos vide Act No. 11 of 1999 (Sec. 4) effective w.e.f. 24.8.1998.

7 Substituted for the figures "150" vide Act No. 18 of 2005.

8 The words "in no case the pension payable to such persons shall not exceed Rs.13,000/-per mensem" deleted vide Act No. 11 of 2006.

9 Second proviso deleted vide Act No. 18 of 2005.

10 Proviso alongwith Explanation Inserted vide Act No. 19 of 1991.

11 Sub-section (1-A) Inserted vide Act No. 3 of 1989 amended vide Act No. 2 of 1990 w.e.f. 7.2.1989, Act No. 14 of 1995 and omitted vide Act No. 17 of 1998.

12 The words and sign "the Council of States or the House of the People or" deleted vide Act No. 14 of 1995.

13 Proviso to Sub-section (3) added vide Act No. 4 of 1982, amended vide 18 of 1986 and again sub-section (3) Substituted vide Act No. 14 of 1995.

14 Sub-section (5) Inserted vide Act No. 3 of 1986, amended vide Act No. 3 of 1987 and again Substituted vide Act No. 3 of 1989.

15 Substituted for the words and sign "of the rates specified in the schedule to this Act" vide Act No. 11 of 1999 (Sec. 4).

16 The words "subject to a minimum of Rs. 1500/- per month (including Dearness Relief up to 1510 Consumer Price Index as on

1.1.1996)" deleted vide Act No. 18 of 2005.

17 Sub-section (5-A) added vide Act No. 2 of 1990 w.e.f. 7.2.1989.

18 Sub-sections (6) Inserted vide Act No. 13 of 1988.

19 Sub-sections (6) and (7) Inserted vide Act No. 11 of 1989 and again Sub-section (6) alongwith proviso occurring immediately before sub-section (7) omitted vide Act No. 11 of 1999.

6C. Medical facilities to ex-members :-

¹[(1) Every person who is entitled to pension under the provision of section 6-B shall also be entitled to such medical facilities for himself and for the members of his family as are from time to time admissible to the retired Class I Officers of the Himachal Pradesh Government]:

²[Provided that a person who is not entitled to pension under this section either by virtue of the provisions contained in sub-section (3) of section 6-B or because he has served for a period less than five years, shall be entitled to the aforesaid medical facilities].

³[(2) Every person who is entitled to medical facilities under sub-section (1), shall be entitled for medical advance, subject to the conditions as may be prescribed, for himself and for the members of his family.

Explanation.- For the purpose of this section, the expression "family" shall mean and include the spouse, ⁴[unmarried children] and parents of such a person wholly dependent upon that person.]

1 Section 6-C Inserted vide Act No. 11 of 1977.

2 Proviso added vide Act No. 16 of 1983 w.e.f. 1.9.1983.

3 Existing Section 6-C renumbered as (1) and new sub-section (2) Inserted vide Act No. 23 of 1984.

4 Substituted for the words "minor children" vide Act No. 4 of 1997.

6CC. Telephone facilities to ex-members :-

6CC. Telephone facilities to Ex-members :-

¹[Every Ex-Member, who is entitled to pension under the provisions of section 6-B, shall also, on the production of actual payees receipt, be entitled to the reimbursement of the amount of rent paid by him for the telephone installed at his permanent place of residence.]

1 Section 6-CC Inserted vide Act No. 5 of 1994.

6D. Recovery of Government dues from compensatory allowance or pension :-

¹[(1) If any person to whom compensatory allowance is admissible under this Act has been a member during any period earlier to his existing term and has not paid to the State Government any amount payable by him on account of any advance, any residential accommodation or any other facility of whatever nature, provided to him by the State Government during such earlier period in his capacity as Minister, Speaker, Deputy Minister, Deputy Speaker, Chief Parliamentary Secretary, Parliamentary Secretary or member, the above referred amount due from him may be recovered from his compensatory allowance.

(2) If any person, to whom pension, is admissible under this Act, has not paid to the State Government any amount payable by him on account of any advance, any residential accommodation or any other facility of whatever nature provided to him by the State Government in his capacity as Minister, Speaker, Deputy Minister, Deputy Speaker, Chief Parliamentary Secretary, Parliamentary Secretary or member, the above referred amount due from him may be recovered from his pension.]

1 Section 6-D Inserted vide Act No. 9 of 1979.

7. Power to make rules :-

(1) The Speaker may make rules for carrying out to the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Speaker may make rules in respect of the following matters, namely:-

(a) any matter which is required by this Act to be prescribed ;

(b) the rates on and circumstances under which travelling and halting allowances may be drawn and the circumstances under which such allowances may be withheld;

(c) the manner in which distances between any two places should be calculated for the purposes of travelling allowance ;

(d) the shortest available route by which a journey can be performed;

(e) the form in which claims may be presented, the method of scrutiny of claims and the authorities any and the manner in which such claims may be certified and paid ;

(f) provision for residential accommodation of members mentioned in section ¹[;]

²[(ff) the form in which certificate, if any, shall be furnished by any person for the purpose of claiming any pension under section 6-B;]

³[(fff) the conditions subject to which the medical advance under section 6-C is to be granted; and]

(g) any other matter connected with or incidental to the matters aforesaid.

(3) Until such rules come into force, all matter of detail not covered

(3) Until such rules come into force, all matter of detail not covered by this Act, shall be governed by the rules hitherto in force for the payment of allowances to members, so far as they are applicable and contained in the Salaries and Allowances of Members of the Legislative Assembly (Himachal Pradesh) Act, 1963 so far as these are consistent with the provisions of this Act.

1 Substituted for the word "and" vide Act No. 43 of 1976.

2 Clause (ff) Inserted vide ibid.

3 Clause (fff) Inserted vide Act No. 23 of 1984.

8. Interpretation :-

If any question arises as to the interpretation of this Act or of the rules made thereunder, the matter shall be referred to the Speaker whose decision shall be final.

9. Repeal and savings :-

(1) The Salaries and Allowances of the Members of the Legislative Assembly (Himachal Pradesh) Act, 1963, and the Salaries and Allowances of the Members of the Legislative Assembly (Himachal Pradesh) Ordinance, 1971 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken (including any rules, notifications or orders made or issued) in exercise of any power conferred by or under the said Act and Ordinance shall be deemed to have been done or taken under this Act.

¹[xxx xxx xxx]

1 Schedule added vide Act No. 3 of 1989 and omitted vide Act No. 11 of 1999.