

Himachal Pradesh Legislative Assembly Speakers And Deputy Speakers Salaries Act, 1971

4 of 1971

[18 May 1971]

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Himachal Pradesh Legislative Assembly Speakers And Deputy Speakers Salaries Act, 1971

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PREAMBLE

An Act to provide for the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly of the Himachal Pradesh.

Amended, repealed or otherwise, affected by , -

(i) H.P. Act No. 2 of 1975², published in R.H.P. Extra., dated the

19th March, 1975, p. 315-317.

(ii) H.P. Act No. 5 of 1976³, published in R.H.P. Extra., dated the 30th March, 1976, p. 889-890.

(iii) H.P. Act No. 9 of 1977⁴, published in R.H.P. Extra., dated 1.7.1977, p. 741.

(iv) H.P. Act No. 9 of 1979⁵, published in R.H.P. Extra., dated 16.5.1979, p. 1749-1751.

(v) H.P. Ordinance No. 3 of 1979 replaced by H.P. Act No. 25 of 1979⁶, published in R.H.P. Extra., dated 22.11.1979, p. 2519.

(vi) H.P. Act No. 8 of 1981⁷, published in R.H.P. Extra., dated 6.5.1981, p. 341.

(vii) H.P. Act No. 16 of 1983⁸, published in R.H.P. Extra., dated 229-1983, p.1045-1049.

(viii) H.P. Act No. 23 of 1984⁹, published in R.H.P. Extra., dated 2210-1984, p. 1803-1804.

(ix) H.P. Act No. 3 of 1986¹⁰, published in R.H.P. Extra., dated 24.1.1986, p.73-74.

(x) H.P. Act No. 18 of 1986¹¹, published in R.H.P. Extra., dated 1.9.1986, p.1433-1435.

(xi) H.P. Act No. 8 of 1988¹², published in R.H.P. Extra., dated 21.5.1988, p.861-862.

(xii) H.P. Act No. 10 of 1989¹³, published in R.H.P. Extra., dated 9.6.1989, p. 1360.

(xiii) H.P. Act No. 8 of 1994¹⁴, published in R.H.P. Extra., dated 16.5.1994, p.1103-1104.

(xiv) H.P. Act No. 9 of 1996¹⁵, published in R.H.P. Extra., dated 29.4.1996, p.1933-1934.

(xv) H.P. Act No. 16 of 1998¹⁶, published in R.H.P. Extra., dated 24.8.1998, p.3205-3208.

(xvi) H.P. Act No. 5 of 1999¹⁷, published in R.H.P. Extra., dated 21.1.1999, p.265-266. w.e.f. 3.12.1993.

(xvii) H.P. Act No. 8 of 2001¹⁸, published in R.H.P. Extra., dated 15.5.2001, p. 411-414.

(xviii) H.P. Act No. 12 of 2002¹⁹, published in R.H.P. Extra., dated 9.5.2002, p. 331-332.

(xix) H.P. Act No. 17 of 2003²⁰, published in R.H.P. Extra., dated 22.9..2003, p. 1807-1810.

(xx) H.P. Act No. 10 of 2006²¹, assented to by the Governor on the 9th May, 2006, published in R.H.P. Extra., dated 11.5..2006, p. 953-954.

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 19th April, 1971, p. 234. The Act replaces H.P. Ordinance No. 12 of 1971, published in R.H.P. Extra., dated 25th Jan. 1971, p. 47-48.
2. For Statement of Objects and Reasons, see R.H.P.Extra., dated 19th Feb., 1975, p. 174.
3. For Statement of Objects and Reasons, see R.H.P.Extra., dated 6th March, 1976, p. 798.
4. For Statement of Objects and Reasons, see R.H.P.Extra., dated 12th April, 1977, p. 310.
5. For Statement of Objects and Reasons, see R.H.P.Extra., dated 21st April, 1979, p. 1547.
6. For Statement of Objects and Reasons, see R.H.P.Extra., dated the 3rd November, 1979, p. 2484.
7. For Statement of Objects and Reasons, see R.H.P.Extra., dated the 26th March, 1981, p. 156.
8. For Statement of Objects and Reasons, see R.H.P.Extra., dated 24th August, 1983, p. 830.
8. For Statement of Objects and Reasons, see R.H.P.Extra., dated 12th September, 1984, p. 1593.
10. For Statement of Objects and Reasons, see R.H.P.Extra., dated 20th December, 1985, p. 3043.
11. For Statement of Objects and Reasons, see R.H.P.Extra., dated the 21st August, 1986, p. 1400.
12. For Statement of Objects and Reasons, see R.H.P.Extra., dated the 7th April, 1988, p. 493.
13. 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. 1078.
14. 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. 557.
15. Passed in Hindi by the Himachal Pradesh Vidhan Sabha . For Statement of Objects and Reasons, see R.H.P.Extra., dated the 11th March, 1996, p. 990 & 992.
16. 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. 2850 & 2854.

17. Passed in Hindi by the Himachal Pradesh Vidhan Sabha . For Statement of Objects and Reasons, see R.H.P.Extra., dated the 9th December, 1998, p. 4219 & 4222.

18. 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.63 & 67.

19. 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.4686 & 4688.

20. 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.953 & 958..

21. Passed in Hindi by the Himachal Pradesh Vidhan Sabha . For Statement of Objects and Reasons, see R.H.P.Extra., dated the 5.4.2006, p.73 & 77..

1. Short title and commencement :-

(1) This Act may be called the Himachal Pradesh Legislative Assembly Speakers and Deputy Speakers Salaries Act, 1971.

(2) It shall be deemed to have come into force with effect from 25th January, 1971 but section 5 shall be deemed to have come into force on the 18th day of February, 1970.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "House" includes the staff quarters and other buildings, appurtenant thereto, and the gardens thereof.

(b) "Maintenance" in relation to a house shall include the payment of local rates and taxes, and charges for electricity and water.

3. Salary etc. of the Speaker :-

¹[²(1) The Speaker shall be entitled to receive a salary at the rate of fifteen thousand rupees per mensem and an allowance for

each day during the whole of his term at the same rates as are specified in clause (ii) of sub-section (1) of section 4 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 .

(1-A) The Speaker shall be entitled to receive compensatory allowance at the rate of five thousand rupees per mensem.]

(2) The Speaker during the term of his office shall be provided by the State Government, a free furnished house at Shimla, the maintenance charges of which shall be borne by the State Government. The State Government may also allow him to continue in free occupation of the house for a period not exceeding fifteen days from the date of his ceasing to be the Speaker.

1 Section 3 substituted. vide Act No. 18 of 1976 (Sec.3).

2 Substituted. vide Act No. 17 of 2003.

3A. Section 3A :-

¹[xxx xxx xxx]

1 Section 3-A inserted. vide Act No. 9 of 1977 and deleted vide Act No. 18 of 1986.

4. Salary etc. of the Deputy Speaker :-

¹²[(1) The Deputy Speaker shall be entitled to receive a salary at the rate of eleven thousand rupees per mensem and an allowance for each day during the whole of his term at the same rates as are specified in clause (ii) of sub-section (1) of section 4 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971.

(1-A) The Deputy Speaker shall be entitled to receive compensatory allowance at the rate of five thousand rupees per mensem.]

(2) The Deputy Speaker during the term of his office shall be provided by the State Government, a free furnished house at Shimla, the maintenance charges of which shall be borne by the State Government or in lieu thereof he shall be paid such allowance not exceeding three hundred rupees per mensem as the State Government may fix. The State Government may also allow him to continue in free occupation of the house for period not exceeding fifteen days from the date of his ceasing to be the Deputy Speaker.

Explanation.-The Deputy Speaker shall not become liable personally for any payment in case the standard rent of the house allotted to him for residence exceeds one hundred and fifty rupees per mensem.

³[xxx xxx xxx]

1 Section 4 amended vide Act No. 2 of 1975, Act No. 9 of 1977 and substituted. vide Act No. 18 of 1986.

2 Substituted. vide Act No.17 of 2003.

3 Section 4-A inserted. vide Act No. 18 of 1986, substituted. vide Act No. 8 of 1988 w.e.f. 1.4.1988 and omitted vide Act No. 17 of 2003.

5. Salary of Deputy Speaker from 18-2-70 to 24-1-71 :-

There shall be paid to the Deputy Speaker a salary at the rate of seven hundred rupees per mensem from the 18th day of February, 1970 to 24th day of January, 1971 and he shall be entitled to draw the arrears at the rate of two hundred rupees per mensem after deducting the salary of five hundred rupees per mensem already drawn by him under the Salaries and Allowances of Speaker and the Deputy Speaker of the Legislative Assembly (Himachal Pradesh) Act, 1963.

6. Conveyance allowance :-

(1) The Speaker and the Deputy Speaker shall each be entitled to

the use of a car, the expenses on the maintenance and propulsion of which shall be borne by the State Government, or in lieu thereof to a conveyance allowance of ¹[five] hundred rupees per mensem :

Provided that the maintenance and propulsion expenses of the State car in use by the Speaker or Deputy Speaker shall not be subject to the limit of ²[five] hundred rupees.

(2) Speaker or Deputy Speaker may opt for the services of a chauffeur on Government expense in lieu of conveyance allowance provided in sub-section(1) if he uses his own motor car.

1 Substituted. for the words "three hundred" vide Act No. 9 of 1977

2 Substituted. for the words "three hundred" vide ibid.

7. Advance of loan to the Speaker and the Deputy Speaker :-

There may be paid to the Speaker or the Deputy Speaker by way of repayable advance such sum of money and subject to such conditions as may be determined by rules made in this behalf by the State Government, for the purchase of motor-car, in order that he may be able to discharge conveniently and efficiently the duties of his office.

7A. House Building advance :-

¹[²[There may be paid to the Speaker or the Deputy-Speaker] 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].

³[Explanation.-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].

1 Section 7-A inserted. vide Act No. 9 of 1979 .

2 Substituted. for the words "In case the Speaker or the Deputy Speaker does not avail himself of the facility of motor car advance as provided in section, he may be paid" vide Act No. 16 of 1983 w.e.f. 1.9.1983.

3 Explanation added vide Act No. 23 of 1984.

8. Free installation of the telephone :-

(1) The Speaker and the Deputy Speakers shall each be entitled to have a telephone installed at any place within 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, as may be specified by him and after the place of installation is so specified, the charges of first installation of, 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 Speaker or the Deputy Speaker, as the case may be :

¹[Provided that the Speaker or Deputy Speaker, as the case may be, who installs a telephone under this sub-section shall be paid a telephone allowance at the rate of seven thousand rupees per mensem.]

²[Provided further that the Speaker or the Deputy Speaker, as the case may be, may continue to avail himself of the facility of telephone provided to him for a period not exceeding 15 days from the date of his ceasing to be the Speaker or the Deputy Speaker, as the case may be].

(2) All expense which are payable by the Speaker or the Deputy Speaker in relation to the telephone installed under sub-section (1) shall be paid by the Speaker or the Deputy Speaker, as the case may be, directly in cash and if it is not so done, the same may be adjusted by the State Government against any amount due to the Speaker or the Deputy Speaker, as the case may be, from the

State Government.

1 First Proviso suberted. vide Act No. 17 of 2003.

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

9. Speaker not to practise any profession :-

¹[The Speaker shall not practise any profession or engage in any trade or receive any money other than compensatory allowance, as defined in the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Act, 1971, for employment other than his duties as Speaker].

1 Section 9 substituted. vide Act No. 25 of 1979 w.e.f. 8.5.1979.

10. Travelling Allowance :-

The travelling and daily allowances of the Speaker and the Deputy Speaker shall be regulated in accordance with such rules as may be framed or adopted by the State Government from time to time :
Provided that no mileage or travelling allowance shall be chargeable in respect of journey performed in a State car.

10A. Free transit by railway or by air :-

¹[(1) The Speaker and the Deputy Speaker during the term of their 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), along with his ²[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 ³[one lac kilometres] journey performed by second class air conditioned railway coach:

Provided further that the Speaker / Deputy Speaker, as the case may be, and his ²[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 by the Speaker or Deputy Speaker, as the case may be, and his ²[family] or any 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 Speaker, or Deputy Speaker, as the case may be, 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 in a financial year shall not exceed the amount payable for ⁴[one lac] kilometres by second class air conditioned railway coach.

⁵[Explanation.- For the purpose of this sub-section, the expression "family" shall mean the spouse their unmarried son(s) and daughter(s) including unmarried adopted son and daughter.]

(2) The Speaker and the Deputy Speaker, as the case may be, shall be entitled for an advance not exceeding rupees ten thousand on his request to undertake such journey and the advance to 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 under this section, the amount so incurred in same financial year on journey by railway or air under section 7 of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 2000, or under sub-section (1) of section 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 shall be taken into account.]

1. Section 10-A omitted. vide Act No 9 of 1979, again inserted. vide Act 9 of 1977, amended vide Act No. 8 of 1981, substituted. vide Act No. 16 of 1983 w.e.f. 1.9.1983 again subs. vide Act No. 8 of 2001.

2 . Substituted for the word "spouse" vide Act No. 10 of 2006.

3 Substituted. for the words "eighty thousand" vide Act No. 10 of 2006.

4. Substituted. for the words "eighty thousand" vide Act No. 10 of 2006.

5 . Explanation inserted. vide Act No. 10 of 2006.

11. Speaker and Deputy Speaker not to draw any salary as members of the Assembly :-

The Speaker and the Deputy Speaker shall not be entitled to receive any sum out of funds provided by the Assembly by way of salary or allowances in respect of their membership of such Assembly.

11A. Salary, allowances and perquisites to be exclusive of income tax :-

¹[The Salary and allowances payable to the Speaker and the Deputy Speaker, and free furnished house and other perquisites admissible to them under this Act, shall be exclusive of 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 that is in assessing this amount the other sources of income of the Speaker and Deputy Speaker shall not be taken into consideration].

1 Section 11-A inserted. vide Act No. 5 of 1976 (Sec. 2).

12. Notification respecting appointment of Speaker etc, to be conclusive evidence thereof :-

The date on which any person became or ceased to be a Speaker or Deputy Speaker shall be published in the Official Gazette of the State of Himachal Pradesh and any such notification shall be conclusive evidence of the fact that he became or ceased to be the

Speaker or the Deputy Speaker on that date for all the purposes of this Act.

13. Power to make rules :-

(1) The State Government may, by notification in the Official Gazette of the State of Himachal Pradesh, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid before the Legislative Assembly as soon as may be after they are made:

¹[Provided that the State Government may, for the purposes of sections 7 and 7-A of this Act, make rules with retrospective effect so as to be effective from any day on or after the 31st day of December, 1993.]

1 Proviso added vide Act No. 5 of 1999 w.e.f. 31.12.1993.

14. Repeal and savings :-

(1) The Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Himachal Pradesh) Act, 1963 and the Salaries and Allowances of the Speaker and the Deputy Speaker 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 or Ordinance shall be deemed to have been done or taken under this Act.