

## **Orissa Legislative Assembly Members Salary, Allowances And Pension Act, 1954**

**19 of 1954**

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## **Orissa Legislative Assembly Members Salary, Allowances And Pension Act, 1954**

**19 of 1954**

An act to provide for the salary, allowances & pension of the members of the Orissa Legislative Assembly WHEREAS it is expedient to provide for the Salary Allowances & Pension of the Members of the Orissa Legislative Assembly : It is hereby enacted by the Legislature of the State of Orissa in the Fifth Year of the Republic of India, as follows :-

### **1. Short Title And Commencement :-**

- (1) This Act may be called the Orissa Legislative Assembly Members Salary, Allowances & Pension Act, 1954.
- (2) It shall come into force at once.

### **2. Definitions :-**

In this Act unless the context otherwise requires –

- (a) "Assembly" means the Orissa Legislative Assembly;
- (a-1) "Chief Whip" and "Deputy Chief Whip" shall respectively mean those Members of the Assembly who are for the time being the Government Chief Whip and the Government Deputy Chief Whip;
- (b) "Committee" means a Select Committee or other Committee of the Assembly and includes any Committee appointed by Government for a purpose connected with the business of the Assembly and declared by Government to be a Committee of the Assembly;
- (b-1) "Leader of the Opposition" means that Member of the Assembly who is for the time being, the Leader in the Assembly of the Party in Opposition to the Government having the greatest numerical strength not being less than one-tenth of the total membership of the Assembly and recognised as such by the Speaker.
- Explanation-When there are two or more Parties in Opposition to the Government in the Assembly having the same numerical strength, the Speaker shall, having regard to the status of the parties, recognise any one of the Leaders of such parties as the Leader of the Opposition for the purpose of this Act and such recognition shall be final and conclusive.
- (c) "Member" means a Member of the Assembly, who has taken his seat therein, other than the Speaker or Deputy Speaker of the Assembly or a Minister or a Parliamentary Secretary of the Government of Orissa; and
- (d) "Place of residence" means the place where a Member ordinarily resides within the State.

### **3. Section 3 :-**

There shall be paid and delivered a salary;

- (a) at the rate of 1[five thousand rupees] to every Member, other than the Leader of the Opposition, the Chief Whip and the Deputy Chief Whip;
- (b) at the rate of 1[six thousand rupees] to the Leader of the Opposition and the Chief Whip and
- (c) of 1[five thousand rupees] to the Deputy Chief whip;

Provided that a Member may, if he so desires, forgo either in full or in part, his salary for any period not less than three consecutive months at a time during the tenure of his office, communicating the intention forthwith so to do the Secretary of the Assembly.

1. Substituted vide O.A. No. 4 of 2003, O.G.E. No. 163 dated

1.2.2003.

#### **4. Allowances :-**

There shall be paid to every member the following allowances, except the allowances mentioned in 1[clauses (a), (d), (e) and (f)] in case of the Leader of the Opposition, the Chief Whip and the Deputy Chief Whip, at the rates specified against each :-

(a) Consolidated Allowance inclusive of secretarial and medical allowance, at the rate of 2[five thousand rupees] per mensem for all members not otherwise provided for by or under the provisions of this Act.

(b) Daily allowance of –

(i) 2[five hundred rupees] a day for each day of actual residence at the place where the Assembly or a Committee meets or at a place to make an oath or affirmation as required by Article 188 of the Constitution of India; and

(ii) 2[six hundred rupees] a day for going out-side the State to attend Conferences and Meetings and on Study Tours.

(c) Travelling Allowance for the journey each way between the members place of residence and the place of meeting of the Assembly, or a Committee, or between such place of residence and the place where the Member makes an oath or affirmation as aforesaid;

(i) in case of a journey by railway double the fare of the Air-conditioned, two tier and in case of journey by steamer double the second class fare; and

(ii) in case of journey by road 1[one rupee and fifty paise] per each kilometer travelled:

Provided that if a Member performs the journey in his 2[own car or hired car], he shall draw road mileage at the rate of 2[seven rupees] per kilometer.

(d) Conveyance Allowance at the rate of 1[two thousand rupees] a month.

1[(e) Books, journals and periodicals allowance at the rate of two hundred rupees per month.

(f) Electricity consumption allowance at the rate of 2[seven hundred fifty rupees] per month. ]

1. Substituted vide O.A. No. 4 of 2003, O.G.E. No.163 dated 1.2.2003.

2. Substituted vide O.A. No. 7 of 2007, O.G.E. No. 1484 dated 23.8.2007.

#### **4A. Fixed Allowance For Travel Not Connected With Duty :-**

There shall be paid to each Member, other than the Leader of the Opposition, the Chief Whip and the Deputy Chief Whip, a sum of 1[rupees four thousand] per mensem to defray the cost of travelling which is not connected with the business of the Assembly or a Committee thereof or a Committee or Body constituted by the State or Central Government by a Resolution or an order.

1. Substituted vide O.A. No. 4 of 2003, O.G.E. No. 163 dated 1.2.2003.

#### **4AA. Advance For Purchase Of A Jeep, Motor Cycle, Scooter Or A Like Vehicle :-**

(1) A Member shall be entitled to an advance not exceeding one lakh rupees for purchase of a jeep, motor cycle, scooter or a like vehicle to be recovered with interest within a period not exceeding five years from the date of its sanction or before the expiry of his office as a Member of the Assembly during the term of which the advance is sanctioned, whichever is shorter.

(2) The terms and conditions governing the sanction of the advance under Sub-section (1) including the rate of interest to be charged and the manner of sanction and recovery thereof, shall be such as may be prescribed by rules made by the State Government in that behalf.

#### **4B. Section 4B :-**

1[ (1). With effect from the commencement of the Orissa Legislative Assembly Members Salary, Allowances and Pension (Amendment) Act, 2[2007], there shall be paid a pension of 2[six thousand rupees] per mensem to every person who has held office for a period of two years, whether continuous or not, as a Member of the Assembly :

Provided that where any person has held office for a period exceeding five years, there shall be paid to him an additional pension of 1[2{six hundred rupees} per mensem for every year in excess of five years so, however, that, in no case the total amount of the additional pension together with the pension, to be so paid, shall exceed 2[fifteen thousand rupees] per mensem] ;

Provided further that where any person has held office as a Member of Assembly twice for its duration as provided in clause (1) of article 172 of the Constitution, whether consecutively or not, and who is not entitled to any pension under the foregoing provisions of this Sub-section, he shall, with effect from the commencement of the Orissa Legislative Assembly Members Salary, Allowances and Pension (Amendment) Act, 1[2007] be entitled to a pension of 1[six thousand rupees] per mensem;

Explanation - (i) The period for which a person has held office as a Member of the Assembly shall mean -

(a) where such person is elected in General Election held for the purpose of constituting a new 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; or

(b) where such person is elected in a bye-election to the Assembly, the period beginning with the date of his election referred to in Section 67-A of the said Act; and ending with, in each case, the date on which his seat becomes vacant.

(ii) in computing the aforesaid period, the period preceding the 26th day of January, 1950 for which a person has held such office, shall not be taken into account;

3[(iii) where such person has held office for a part of the year exceeding six

months, it shall be treated as one year for the purpose of calculation of pension.]

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

(i) 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 of any Legislative Assembly; 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 under any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authority;

such persons 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 that 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 entitled to any other pension, such person shall be entitled to receive the pension under Sub-section (1) in addition to such other pension; and

(4) In computing the number of years for the purpose of Sub-section (1), the period during which a person has served as Minister or Speaker or Deputy Speaker as defined in the Orissa Ministers, Salaries and Allowances Act, 1952 or the Orissa Legislative Assembly Speakers Salary and Allowances Act, 1960 or the Orissa Deputy Speakers Salary and Allowances Act, 1959 respectively by virtue of his membership in the Assembly shall also be taken into account.]

(5) (a) In the event of the death of member who was eligible for pension or already in receipt of pension under Sub-section (1), his/her spouse shall be entitled to receive as family pension a sum equivalent to such pension till his/her death or remarriage whichever is earlier.

(b) In the event of the death of member while continuing in office as such, whose spouse is not entitled to receive family pension under clause (a) his/her spouse shall be entitled to receive as family pension till his/her death or remarriage, whichever is earlier, a sum equivalent to an amount which the member would have received had he held office for a period of one year as member :

Provided that the conditions laid down in Sub-sections (2) and (3) shall mutatis mutandis apply to holders of family pension.

1. Substituted vide O.A. No. 4 of 2003, O.G.E. No. 163 dated 1.2.2003.

2. Substituted vide O.A. No. 7 of 2007, O.G.E. No. 1484 dated 23.8.2007.

3. Inserted vide O.A. No. 7 of 2007, O.G.E. No. 1484 dated 23.8.2007.

## **5. Amenities :-**

(1) A member shall be entitled to such medical facilities for himself and for members of his family and to such housing, telephone and postal facilities as may be prescribed by rules under Section 7 :

Provided that a member who is Leader of the Opposition shall, so long he continues to be such leader and for a period of fifteen days immediately thereafter, be entitled without payment of rent to the use of residence.

Explanation - For the purpose of this provision residence includes the staff quarters and other buildings appurtenant thereto.

(2) The Chief Whip and the Deputy Chief Whip shall, throughout the period they continue in office as such and for a period of fifteen days thereafter, each be entitled without payment of rent, to the use of a furnished residence or in lieu thereof to a house rent allowance of one hundred rupees per month and no charge shall fall on them personally in respect of the maintenance of such furnished residence provided to them.

Explanation - For the purpose of this Sub-section residence includes the staff quarters and other buildings appurtenant thereto and maintenance in relation to a residence shall mean only the payment of Municipal tax and the installation of electricity and water taps.

## **6. Accommodation In Inspection Bungalows Etc :-**

Notwithstanding any thing contained in any other law, rules or orders for the time being in force and subject to rules to be made by the State Government; member shall be entitled to free accommodation in Inspection Bungalows, Dak Bungalows, Circuit Houses or Rest Houses maintained by the State Government or Local Authority within the State.

## **7. Power To Make Rules :-**

(1) The State Government may make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rule may provide –

(a) for determining the period during which daily allowances and travelling allowances are to be drawn;

(b) for deductions from such allowances and the salary fixed under Section 3 under such circumstances as they consider fit;

(c) for medical, housing, telephone and postal facilities;

(d) for determining the staff and the privileges of the Leader of the, Opposition, the Chief Whip; and the Deputy Chief Whip; and

(e) for regulating the payment of pension.

(3) All rules made under this Act shall be laid as soon as possible after they are made before the Orissa Legislative Assembly for a total period of fourteen days which may be comprised in one Session or in two or more Sessions and shall be subject to such modifications as the Assembly may make during the said period.

## **8. Continuance Of The Existing Rules :-**

Notwithstanding anything contained in this Act but subject to the provisions of Section 4 thereof, the rules made under the provisions of Section 5 of the Orissa Legislative Assembly Members Salaries and Allowances Act, 1938, shall continue in force until such rules are made in this behalf under this Act.

**9. Interpretation :-**

Except as otherwise provided, if any question arises as to the interpretation of this Act or of the rules made there under or rules referred to in Section 8, the matter shall be referred to the State Government and their decision shall be final.

**10. Repeal :-**

The Orissa Legislative Assembly Member Salaries and Allowances Act, 1938 is hereby repealed.