

**Rajasthan Legislative Assembly (Officers And Members
Emoluments And Pension) Act, 1956**

6 of 1957

[11 January 1957]

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**Rajasthan Legislative Assembly (Officers And Members
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PREAMBLE

An Act to provide for emoluments ³[and pension] to be paid to the Officers and Members of the Legislative Assembly of the State of Rajasthan.

Whereas Arts. 186 and 195 of the Constitution of India provide for the fixing by law of the salaries and allowances to be paid to the Officers and members of the Legislative Assembly for the State;

Be it enacted by the Rajasthan State Legislature in the Seventh Year of the Republic of India as follows : -

1. Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 12.1.1957.

2. Inserted by Raj. Act No. 46 of 1976, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 14.12.1976.

3. Inserted by Raj. Act No. 18 of 1995, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 22.5.1995.

1. Short title :-

This Act may be called the Rajasthan Legislative Assembly (Officers and Members Emoluments ¹[and pension]) Act, 1956.

1. Inserted by Raj. Act No. 46 of 1976, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 14.12.1976.

2. Interpretation :-

(1) In this Act unless the subject or context otherwise requires,-

(a) "appointed day" means the first day of November, 1956;

¹[(aa) "Constituency Allowance" means an allowance to meet personal office expenses incurred by a member in his constituency in the performance of duties of the office of the member;]

²[(aaa) "medical facilities" includes facilities for treatment according to the Ayurvedic or Unani Tibbi system of Medicine or Surgery, whether supplemented or not by modern advances; and "medical attendance and treatment" shall be construed accordingly;]

³[(b) "Member" means a member of the Legislative Assembly of the State, but save as otherwise expressly provided in this Act, does not include-

(i) a Minister as defined in the Rajasthan Ministers Salaries Act, 1956 (Act No. 43 of 1956); and

(ii) an Officer of the Legislative Assembly for the State as defined in this Act;]

(c) "Minister" means a Minister of the State of Rajasthan and

includes the Chief Minister as well as a Deputy Minister;

(d) "Officer" used with reference to the Legislative Assembly for the State, means the Speaker as well as the Deputy Speaker of such Assembly; and

(e) "State" means the State of Rajasthan as formed by Sec. 10 of the States Reorganisation Act, 1956 (Central Act 37 of 1956).

(2) The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) in force in the pre-reorganisation State of Rajasthan shall so far as may be, apply mutatis mutandis to this Act.

1. Inserted by Raj. Act No. 18 of 1995, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 22.5.1995.

2. Inserted by Raj. Act No. 16 of 1994 and renumbered by Raj. Act No. 18/1995, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 22.5.1995.

3. Substituted by Raj. Act No. 24 of 1970, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 11.12:1970.

3. Salaries of Officers :-

(1) There shall be paid-

(a) a salary of 1[fourteen thousand rupees] per mensem to the Speaker;and

(b) a salary of 1[twelve thousand rupees] per mensem of the Deputy Speaker of the Legislative Assembly of the State.

(2) The salary fixed by Sub-sec. (1) shall be payable to the Speaker or Deputy Speaker, as the case may be, with effect from ¹[1st April, 1999] or with effect from the date on which he is chosen as such Speaker or Deputy Speaker under Art. 178 of the Constitution, whichever may be later, and until he vacates or resigns or is removed from his office as such Speaker or Deputy Speaker in accordance with law.

1. Substituted by Raj. Act No. 8/1999, Pub. in Raj. Govt. Gaz., Exty., Part 4(A) dated 7.5.1999.

3A. Sumptuary Allowance :-

¹[In addition to the salary payable under Sec. 3, there shall be paid, with effect from 1st April, 1999 to the Speaker and the Deputy speaker of the Legislative Assembly a sumptuary allowance

of seven thousand rupees per mensem.]

1. Substituted by Raj. Act No. 8/1999, Pub. in Raj. Govt. Gaz., Exty., Part 4(A) dated 7.5.1999.

4. Salaries of Members :-

Every Member of the Legislative Assembly of the State shall be entitled to receive a salary of ¹[three thousand rupees per mensem with effect from the date of commencement of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) (Amendment) Act, 1998 (Act No. 5 of 1998)], or ²[with effect from the date on which the declaration of the result of his election to the Rajasthan Legislative Assembly is published in the Official Gazette under sec. 67 of the Representation of the people Act, 1951 (Central Act 43 of 1951)] ³[whichever may be later], until he ceases to be such member :]

⁴[Provided that no member shall claim such salary unless he makes and subscribes the oath or affirmation of his office under Art. 188 of the Constitution:]

²[Provided further that] such salary shall be liable to such deductions for continued absence or other cause as may be provided in the rules made by the State Government in this behalf.

⁵[XXX].

1. Substituted by Raj. Act No. 5/1998, Pub. in Raj. Govt. Gaz., Exty., Part 4(A) dated 30.3.1998.

2. Substituted by Raj. Act No. 11/1968, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 30.4.1968.

3. Inserted by Raj. Act No. 4/1981, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 2.4.1981.

4. Inserted by Raj. Act No. 11/1968, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 30.4.1968.

5. Omitted by Raj. Act No. 11/1968, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 30.4.1968.

4A. Pension and other facilities :-

¹²³[(1) ⁴[With effect from the date of commencement of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) (Amendment) Act, 1998 (Act No. 5 of 1998), there

shall be paid per mensem to every person, who has served as a member of the Rajasthan Legislative Assembly -

(i) for any period upto five years whether continuous or not, a pension of rupees one thousand;

(ii) for any period beyond five years but upto ten years, whether continuous or not, a pension of rupees one thousand seven hundred and fifty;

(iii) for any period beyond ten years but upto fifteen years, whether continuous or not, a pension of rupees two thousand five hundred;

(iv) for any period beyond fifteen years but upto twenty years, whether continuous or not, a pension of rupees three thousand two hundred and fifty;

(v) for any period beyond twenty years but upto twenty five years, whether continuous or not, a pension of rupees four thousand;

(vi) for any period beyond twenty five years but upto thirty years, whether continuous or not, a pension of rupees four thousand seven hundred and fifty;

(vii) for any period beyond thirty years but upto thirty five years, whether continuous or not, a pension of rupees five thousand five hundred;

(viii) for any period beyond thirty five years but upto forty years, whether continuous or not, a pension of rupees six thousand two hundred fifty;

(ix) for any period beyond forty years but upto forty five years, whether continuous or not, a pension of rupees seven thousand;

(x) for any period beyond forty five years but upto fifty years, whether continuous or not, a pension of rupees seven thousand seven hundred fifty;

(xi) for any period beyond fifty years but upto fifty five years, whether continuous or not, a pension of rupees eight thousand five hundred;

(xii) for any period beyond fifty five years but upto sixty years, whether continuous or not, a pension of rupees nine thousand two hundred fifty; and

(xiii) for any period beyond sixty years whether continuous or not, a pension of rupees ten thousand]:

⁵[XXX]

Provided ⁵[X X X] that no such pension shall be paid to any person for the period during which such person was or is in receipt of any salary as Member of Parliament or any State Legislature or from any State Government or the Central Government or any

Corporation owned or controlled by the Central Government or any State Government, or any local authority and if any such salary was or is received, the payment of pension shall be suspended for that period:

Provided further that where the salary or remuneration payable to such person for being such member or for holding such office or being so employed, is, in any case less than the pension payable to him under this section, such person shall be entitled only to receive the balance as pension under this section:

Provided further that where any person entitled to pension under this section is also entitled to any pension as the President, Vice-President or Governor of any State or the Administrator of any Union Territory or as Member of Parliament or of any other State Legislature or the Metropolitan Council of Delhi or 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,-

³[(a) where the amount of pension to which he is entitled under such law or otherwise is equal to or more than ⁶[ten thousand] rupees per mensem such person shall not be entitled to any pension under this sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise is less than ten thousand rupees per mensem such person shall be entitled to receive pension under this sub-section in addition to such other pension subject, however, that the aggregate of both the pensions shall not exceed ⁶[ten thousand] rupees per mensem.]

Explanation I.--In computing the number of years for the purpose of determining pension under this section,-the period during which a person has served as a Minister or as an Officer, as defined in this Act, or both, by virtue of his membership of the Rajasthan Legislative Assembly shall be taken into account.

Explanation II.--If the-Legislative Assembly is dissolved before the expiration of the period of 5 years, for the purpose of computing the period as Member of the Legislative Assembly the period commencing with the date of the constitution of Legislative Assembly after the General election and ending with the date of dissolution, shall be deemed to be 5 years.

Explanation IIA. -In computing the aggregate number of years for the purposes of determining pension under this section, the period during which a person has served as a Member of Parliament or as a Member of the Legislative Assembly of erstwhile State of Ajmer

shall be included in the period for which a person has served as a member of the Rajasthan Legislative Assembly.

Explanation III. -For the purposes of this section, salary includes salary received under this Act and salary received as-

- (i) the President or Vice-President or Governor of any State or Administrator of any Union Territory; or
- (ii) a Member of the Parliament or any State Legislature; or
- (iii) a Minister or Deputy Minister of the Government of India or of any State; or
- (iv) the Chairman or Deputy Chairman of the Council of States, or the Legislative Council of any State; or
- (v) the Speaker or Deputy Speaker of the House of the People, or of the Legislative Assembly of any State or as a member of the Metropolitan Council of Delhi constituted under Sec. 3 of the Delhi Administration Act, 1966.]

⁷[Explanation IV- In computing the amount of pension payable to any person under this section, the amount of pension received by him under the Rajasthan Freedom Fighters Aid Rules, 1959 or under any other rules made on the same subject shall not be taken into account.]

⁸[Explanation V.--In computing the number of years for the purpose of determining pension under this section with respect to a person who is elected to the Legislative Assembly in a bye-election, the period commencing with the date on which such person takes oath of his membership and ending with the date of dissolution of the Assembly shall be deemed to be five years.]

⁶[(2) Subject to rules, if any, made in this behalf by the State Government, every person entitled to pension under sub-sec. (1), shall, with effect from the date of commencement of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) (Amendment) Act, 1998 (Act No. 5 of 1998), be entitled also to the reimbursement on account of medical treatment of a sum not exceeding rupees two thousand four hundred per annum and shall further be entitled to any expenditure incurred beyond rupees two thousand four hundred if the same is incurred for treatment as an indoor patient in any Government Hospital of the State, and also to one free non-transferable pass upto the age of 65 years which would entitle him to travel and to two free non-transferable passes after the age of 65 years which would entitle him and any other person accompanying him to travel at any time by the Rajasthan State Road Transport Corporation Service on

whichever route it operates, in such class of accommodation and subject to such conditions as may be prescribed :

Provided that where such person is also entitled to any of the aforesaid faculties for the time being as the President, Vice-President, or Governor of any State or as Member of Parliament or of any other State Legislature or the National Capital Territory of Delhi, or 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, he shall not be entitled to that facility to that extent].

⁹[(3) Where a person has served as a Member of Parliament, whether in the House of People after being chosen by direct election from any territorial constituency in the State of Rajasthan or in the Council of States as a representative of the State, he shall be entitled to one free non-transferable pass which would entitle him to travel at any time by the" Rajasthan State Road Transport Corporation Service on whichever route it operates, in such class of accommodation and subject to such conditions as are prescribed under sub-sec. (2).]

1. Substituted by Raj. Act No. 46/1976, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 14.12.1976.

2. Substituted by Raj. Act No. 3/1989, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 6.4.1989.

3. Substituted by Raj. Act No. 10/1991, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 1.4.1991.

4. Substituted by Raj. Act No. 5/1998, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 30.3.1998 effective from 30.3.1998.

5. Omitted by Raj. Act No. 10/1991, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 1.4.1991.

6. Substituted by Raj. Act No. 5/1998, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 30.3.1998.

7. Inserted by Raj. Act No. 1/1983, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 14.3.1983.

8. Inserted by Raj. Act No. 3/1989, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 6.4.1989.

9. Inserted by Raj. Act No. 16/1989, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 5.8.1989.

4B. Family pension :-

¹[(1) Notwithstanding anything contained in Sec. 4-A, but subject to such rules as may be prescribed, where ²[on or after 8th day of March, 1985], any member of the Legislative Assembly dies before the expiry of the term of his office, his or her spouse shall be paid family pension of 2[an amount per mensem equivalent to the salary which such member would have been entitled to had he been alive] for the unexpired portion of the term of office of such deceased member :

Provided that if the spouse of the deceased member re-marries, he or she shall not be paid any pension under this sub-section.

(2) Where more than one wife has survived the deceased member, the amount of family pension payable under sub-sec. (1) shall be paid to such wives in equal shares.

(3) Where no spouse has survived the member, or the surviving spouse has remarried, the family pension under sub-sec. (1) shall be paid in equal shares to the members of the family of the deceased member.

Explanation. The expression "family" means the sons and unmarried daughters and such parents of the deceased member as were wholly or mainly dependent on him or her at the time-of his or her death.]

1. Inserted by Raj. Act No. 14/1978, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 13.11.1978.

2. Substituted by Raj. Act No. 3/1989, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 6.4.1989.

5. Salaries of Government Chief Whip and Deputy Government Chief Whip :-

¹[²(1) There shall be paid, with effect from ³[1st April, 1999] or with effect from the date on which he may thereafter enter upon his office, whichever may be later, a salary of ³[thirteen thousand rupees per mensem to the Government Chief Whip and a salary of ³[twelve thousand rupees] per mensem to the Deputy Government Chief Whip].

²[(2) In addition to the salary payable under sub-sec. (1) there shall be paid, with effect from 3[1st April, 1999] or with effect from the date on which he may thereafter enter upon his office, whichever may be later, to the Government Chief Whip and Deputy

Government Chief Whip, a sumptuary allowance of ³[seven thousand rupees] per mensem, respectively].

Explanation. -For the purposes of this section "Government Chief Whip" or "Deputy Government Chief Whip" means that Member of the Rajasthan Legislative Assembly who is Chief Whip or Deputy Chief Whip for the time being in the Assembly of the party in Government having the greatest numerical strength in that Assembly.

(3) If any doubt arises as to which is or was at any material time the party in the Government having the greatest numerical strength in the Assembly, or as to who is or was at any material time the Government Chief Whip or the Deputy Government Chief Whip in that Assembly of such a party, the question shall be decided by the Speaker of the Rajasthan Legislative Assembly and his decision in writing shall be final and conclusive.]

1. Inserted by Raj. Act No. 4/1981, Pub.in Raj. Govt. Gaz., Exty., Part 4(A), dated 2.4.1981.

2. Substituted by Raj. Act No. 5/1998, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 30.3.1998.

3. Substituted by Raj. Act No. 8/1999, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 7.5.1999.

6. Salary and Sumptuary Allowance of Leader of the Opposition :-

¹[²[³[There shall be paid to the Leader of the Opposition with effect from ⁴[1st April, 1999] or with effect from the date on which he may thereafter enter upon his office, whichever may be later, a salary of 4[thirteen thousand rupees] and a Sumptuary Allowance of seven thousand rupees per mensem].

Explanation. - (i) In this Act "Leader of the Opposition" means that member of the Rajasthan Legislative Assembly who is for the time being, the Leader in that Assembly of the party in opposition to the Government having the greatest numerical strength in that Assembly and recognised as such by the Speaker.

(ii) Where there are two or more parties in opposition to the Government having the same numerical strength, the Speaker shall, having regard to the status of the parties, recognise any of the leaders of such parties as the Leader of the Opposition for the purposes of this Act and such recognition shall be final and

conclusive.]

1. Inserted by Raj. Act No. 4/1981, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 2.4.1981.
2. Substituted by Raj. Act No. 3/1989, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 6.4.1989.
3. Substituted by Raj. Act No. 5/1998, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 30.3.1998.
4. Substituted by Raj. Act No. 8/1999, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 7.5.1999.

6A. Other facilities and allowances to the Speaker, the Deputy Speaker, the Government Chief Whip, the Deputy Government Chief Whip and the Leader of the Opposition :-

¹[(1) The Speaker, the Deputy Speaker, the Government Chief Whip, the Deputy Government Chief Whip and the Leader of the Opposition, hereinafter referred to as the "said officers", shall be entitled without payment of rent or other charge, to the use, throughout their respective term of office, of-

¹[(a) an official residence and furniture in Jaipur, and]

(b) a State car,

and no charge shall fall on the said Officers personally in respect of the maintenance of ²[such residence, furniture or car :]

³[XXX]

Provided ³[X X X] that each of the said Officers shall be entitled to an official residence and furniture without payment of rent or other charge in Jaipur upto a period of two months from the date he ceases to be such Officer.]

(2) The use and maintenance of the ²[residence, furniture] and a State Car referred to in sub-sec. (1) shall be regulated by rules made in this behalf by the State Government.

²[(3) Each of the said Officers shall be paid a monthly allowance of-
(a) two hundred rupees if he avails himself of the use of an official residence provided to him by the State Government in Jaipur but does not avail himself of the use of furniture to which he is entitled under sub-sec. (1);

(b) five hundred rupees if he does not avail himself of the use of an official residence in Jaipur but avails himself of the use of furniture to which he is entitled under the said sub- section at the house owned or taken on rent by him for his residential purposes;

(c) seven hundred rupees if he neither avails himself of the use of an official residence in Jaipur nor avails himself of the use of furniture to which he is entitled under the said sub-section; and
(d) five hundred rupees if he does not avail himself of the use of a State car.]

(4) Each of the said Officers shall, irrespective of whether or not he avails himself of the use of ²[the official residence] in Jaipur to which he is entitled under this section, be further entitled to the concessions of payment of Government for him and on his behalf throughout his term of office and upto a period of two months from the date he ceases to be such Officer, of all charges due from him on account of consumption of electricity and water at his residence: Provided that such payment shall not exceed such limits as may be specified in the rules made in that behalf by the State Government.

(5) Each of the said Officers shall further be entitled to receive, in accordance with rules made by the State Government in that behalf, -

(a) travelling allowances for himself and the members of his family for the transport of his and his family's effects-

(i) in respect of the journey to Jaipur from his usual place of residence outside Jaipur for assuming office; and

(ii) in respect of the journey from Jaipur to his usual place of residence outside Jaipur on relinquishing office; and

(b) travelling and daily allowances in respect of journeys (including journeys outside India) undertaken by him in the discharge of his official duties or in the public interest.

(6) Any travelling allowances paid under sub-sec. (5) may consist either of a payment in cash or free official transport.

(7) Subject to any rules made in this behalf by the State Government, each of the said Officers and the members of his family shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment.

(8) Subject to rules if any, made in this behalf by the State Government, each of the said Officers may be granted by the State Government in appropriate cases any concession or special facility including the reimbursement thereof, outside the State, for the following items : -

(i) medical treatment;

(ii) medical attendance or travelling allowances for such journey performed by him; and

(iii) accommodation including diet for the purposes of such

treatment.

(9) Subject to any rules made in this behalf by the State Government, each of the said Officers shall be entitled to telephone at his residence in Jaipur and in his office.

(10) The Government Chief Whip and the Deputy Government Chief Whip shall be entitled to such postal facilities as may be prescribed.

(11) There shall be paid to each of the said Officers, by way of a repayable advance, such sum of money for the purchase of a motor car and on such terms as the State Government may by rules, determine in order that he may be able to discharge conveniently and efficiently, the duties of his office.

(12) None of the said Officers in receipt of a salary or allowances under this Act shall be entitled to receive any sum out of the funds provided by the Legislative Assembly by way of salary or allowances in respect of his membership of the Assembly.]

1. Substituted by Raj. Act No. 4/1981, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 2.4.1981.

2. Substituted by Raj. Act No. 8/1986, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 13.2.1986.

3. Omitted by Raj. Act No. 10/1991, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 1.4.1991.

7. Telephone facilities to Whips of recognised parties and Leaders of groups :-

¹[The Whips of recognised parties and Leaders of groups in the Legislative Assembly shall be entitled to such telephone faculties as may be prescribed.

Explanation. - For the purposes of this section-

(i) "recognised party" means a party having a membership of more than the quorum prescribed for the sittings of the Assembly for the time being;

(ii) "group" means an association of members recognised by the Speaker as a group.

1. Renumbered by Raj. Act No. 4/1981, Pub. in-Raj. Govt. Gaz., Exty., Part 4(A), dated 2.4.1981.

8. Allowances of Members :-

(1) Subject to such conditions and restrictions as may be

prescribed, every member of the Legislative Assembly shall be entitled to receive, for his attendance required in connection with his duties, as such member,-

(a) travelling ¹[X X X] allowance at the ²[prescribed rates] in accordance with rules made in that behalf, and ³[(b) ⁴[daily allowance at the rate of ⁵[three hundred rupees] per day within the State and ²[four hundred rupees] per day outside the State] subject, however, that such allowance shall not be admissible for such period as is in excess of fifteen days in a calendar month except when the Legislative Assembly is in session :]

Provided that no sum on account of any such allowance shall be paid to a member before he has made and subscribed the oath or affirmation of his office prescribed by Art. 188 of the Constitution:

²[Provided further that until rates are prescribed under cl. (a), travelling allowances shall be payable thereunder to the Members of the Legislative Assembly at the rates admissible to Government servants of the first class ⁶[XXX].

(2) Notwithstanding anything contained in the proviso to sub-sec. (1) every member of the Provincial Legislative Assembly of the State formed by virtue of Sec. 28 of the State Reorganisation Act, 1956 (Central Act 37 of 1956) shall be entitled to draw travelling and daily allowances at the rates and in the circumstances specified in sub-sec. (1) with effect from the appointed day.

⁷[(3) Every member shall be entitled to transit facilities to bring his wife or husband, as the case may be, from the place where such member ordinarily resides to Jaipur and back once during every session of the Rajasthan Legislative Assembly at Government cost in the same class to which the member is entitled to travel].

⁸[(4) For the purpose of sub-sec. (1) a member shall be deemed to have attended a meeting of the Rajasthan Legislative Assembly on any day during any session if after having come to Jaipur to attend such meeting, he or she has been prevented from actually attending it on that day on account of illness or in obedience to an order of the Court:

Provided that according to the final order of the Court, the member was not disqualified from attending such meeting on the day on which he or she has been so prevented from attending it by the order of the Court]

1. Omitted by Raj. Act No. 23/1975, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 6.6.1975.

2. Substituted by Raj. Act No. 12/1960, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 25.4.1960.
3. Substituted by Raj. Act No. 8/1986, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 13.2.1986.
4. Substituted by Raj. Act No. 5/1998, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 30.3.1998.
5. Substituted by Raj. Act No. 8/1999, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 7.5.1999.
6. Omitted by Raj. Act No. 4/1981, Pub. in Raj. Govt. Gaz., Exty.; Part 4(A), dated 2.4.1981.
7. Inserted by Raj. Act No. 16/1969, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 17.9.1969.
8. Inserted by Raj. Act No. 23/1975, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 6.6.1975.

8A. Free transit by road transport service :-

¹[Every member shall be provided with ²[two free non-transferable passes] which would entitle him ²[and any other person accompanying the member] to travel ³[at any time by the Rajasthan State Road Transport Corporation Service on whichever route it operates] in such class of accommodation and subject to such conditions as may be prescribed:

Provided that nothing contained in this section shall be construed as disentitling a member to an travelling allowances to which he is otherwise entitled under the provisions of this Act.]

1. Inserted by Raj. Act No. 16/1964, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 14.5.1964.
2. Substituted by Raj. Act No. 4/1981, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 2.4.1981.
3. Substituted by Raj. Act No. 16/1969, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 17.9.1969.

8B. Free Railway travelling facilities to Members :-

¹[(1) Every Member shall also be provided with facility which shall entitle him and ²[the persons, if any], accompanying the member at any time to travel in any class by railway throughout the territory of India, covering the journeys the aggregate fare whereof

shall not exceed ³[rupees fifty thousand] per year] in such manner and subject to such conditions as may be prescribed by rules made in this behalf.

⁴[(2) Where a Member chooses to travel by air, ship or steamer alone or with ²[the persons] accompanying the Member, he shall be paid an amount equal to actual fare for each such journey in accordance with sub-sec. (1).

⁴[(3) Where a Member entitled to receive travelling allowance under Sec. 8, ²[chooses to travel by air, ship or steamer], he shall be entitled to surrender such part of the facility provided by sub-sec. (1) as is equivalent to the difference between the ²[air, ship or steamer fare] actually paid by him and the railway fare to which he is entitled under that section and receive the cash equivalent of the facility so surrendered:]

Provided that aggregate amount so paid ⁵[either as railway fare or in respect of ²[air, ship or steamer fare] or as the difference between the ²[air, ship or steamer fare] and the railway fare or as or in respect of any of them] shall not exceed ⁶[rupees fifty thousand] within a calendar year.

Explanation. -For the purposes of this section, a member shall include a Minister as defined in the Rajasthan Ministers Salaries Act, 1956 (Act No. 43 of 1956) and an Officer of the Legislative Assembly for the State as defined in this Act.]

1. Substituted by Raj. Act No. 14/1978, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 13.11.1978.

2. Substituted by Raj. Act No. 15/1994, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 28.4.1994.

3. Substituted by Raj. Act No. 5/1998, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 30.3.1998.

4. Substituted by Raj. Act No. 4/1981, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 2.4.1981.

5. Substituted by Raj. Act No. 20/1987, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 21.4.1987.

6. Substituted by Raj. Act No. 20/2000, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 20.11.2000.

8C. Constituency Allowance :-

¹[(1) A member shall be entitled to receive the constituency

allowance of ²[rupees eight thousand per month].

(2) For the avoidance of doubts, it is hereby declared that the constituency allowance admissible under sub-sec. (1) shall be in addition to, and not in derogation of, any other allowances or facilities admissible (whether in cash or in kind) under the Act.

1. Inserted by Raj. Act No. 18/1995, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 22.5.1995.

2. Substituted by Raj. Act No. 8/1999, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 7.5.1999.

9. Amenities :-

¹[(1) Every Member of the Legislative Assembly shall be entitled to such ²[medical facilities for himself and for members of his family and to such] housing ³[and telephone] facilities as may be prescribed.

⁴[Explanation.--

For the purpose of sub-sec. (1), housing facility shall include-

⁵[(i) ⁶[grant on account of consumption of electricity and water of rupees ⁷[three thousand] per month] to members residing at Jaipur and occupying their own or hired accommodation or the Government accommodation on standard rent;]

(ii) grant of house rent allowance at such rate and subject to such conditions and restrictions as may be prescribed:

Provided that such house rent allowance shall be admissible to ⁸[members residing at Jaipur in the accommodation owned or hired by them ³[with effect from the date of commencement of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) ⁹[(Amendment) Act, 1987] or from the date of occupation of such accommodation whichever is later; and

¹⁰[(ii-a) allotment of Government residential accommodation on rent at Jaipur for such period as may be prescribed ¹¹[XXX];

¹²[(ii-b) supply of furniture, electricity and water, during the period of allotment of Government residential accommodation under cl. (ii-a) in accordance with the provisions of this section;]

¹³[(iii) supply of furniture worth fifty thousand rupees, free of charge, to Members residing at Jaipur in the Government accommodation or in the accommodation owned or hired by them with effect from the date of commencement of the Rajasthan Legislative Assembly (Officers and Members Emoluments and

Pension) (Amendment) Act, 1998 (Act No. 5 of 1998) or from the date of occupation of such accommodation whichever is later].

14[(1-A) Every member shall be entitled to a correspondence allowance of **14**[rupees two thousand] per mensem.]

(2) **15**[XXX]

16[(3) Every member shall immediately after the expiration of the period referred to in cl. (ii-a) of the Explanation below sub- sec. (1) vacate the Government residential accommodation allotted to him, failing which, notwithstanding anything contained in the Rajasthan Public Premises (Eviction of Unauthorised Occupants) Act, 1964 (Rajasthan Act No. 2 of 1965) or any other law for the time being in force, an Officer authorised by the State Government in this behalf may take possession of such residential accommodation together with the furniture referred to in cl. (iii) of the Explanation aforesaid and may for the purpose use such force as may be necessary in the circumstances.

Explanation. -For the purpose of this sub-section Member includes a person who has ceased to be a member or an Officer referred so in sub-sec. (1) of Sec. 6-A as a said officer]

1. Renumbered by Raj. Act No. 23/1975,-Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 6.6.1975.

2. Substituted by Raj. Act No. 16/1964, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 14.5.1964.

3. Substituted by Raj. Act No. 4/1981, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 2.4.1981.

4. Inserted by Raj. Act No. 23/1975, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 6.6.1975.

5. Substituted by Raj. Act No. 1/1983, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 14.3.1983.

6. Substituted by Raj. Act No. 15/1994, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 28.4.1994.

7. Substituted by Raj. Act No. 8/1999, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 7.5.1999.

8. Substituted by Raj. Act No. 25/1976, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 17.4.1976.

9. Substituted by Raj. Act No. 20/1987, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 21.4.1987.

10. Inserted by Raj. Act No. 1/1983, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 14.3.1983.

11. Words deleted by Raj. Act No. 18/1995, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 22.5.1995.

12. Inserted by Raj. Act No. 18/1995, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 22.5.1995 (w.e.f. 16.12.1992).

13. Substituted by Raj. Act No. 5/1998, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 30.3.1998.

14. Inserted by Raj. Act No. 4/1981, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 2.4.1981.

15. Deleted by Raj. Act No. 18/1995, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 22.5.1995.

16. Inserted by Raj. Act No. 9/1990, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 3.7.1990.

9A. Amenities to Chairman of Committees :-

¹[Every Chairman of a Committee of the Legislative Assembly shall be entitled to a free telephone and such postal facilities as may be prescribed.

Explanation. -For the purpose of this section, "Committee of the Legislative Assembly" means any Committee which is appointed, elected or nominated by or under the Rules of Procedure and Conduct of Business in the Rajasthan Legislative Assembly.]

1. Inserted by Raj. Act No. 7/1969, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 16.4.1969.

10. Officers not to practise profession, etc :-

An Officer for the time being of the Legislative Assembly shall not, during the tenure of his office, practise any profession or engage in any trade or undertake for remuneration any employment other than his duties as such Officer.

11. Rules :-

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

(2) In particular and without prejudice to the generality of the foregoing power, such rules shall-

- (a) prescribe the conditions and restrictions subject to which daily allowance may be drawn;
- (b) prescribe the conditions under which the rate at which and the journey for which Travelling Allowances may be claimed;
- (c) specify the classes of journeys which shall be deemed to have been undertaken by an Officer of the Legislative Assembly in the discharge of his duties;
- (d) prescribe the conditions and extent of free accommodation in hospitals and free medical attendance and treatment to be afforded to any Officer in the discharge of his official duties;
- (e) prescribe the medical, housing ¹[and telephone] facilities ²[mentioned in Sec. 9];
- (f) specify the circumstances in which and the extent to which the salary of a member may be deducted;
- ³(ff) prescribe the rules for drawing pension and the form in which certificates, if any, shall be furnished by any person for the purpose of claiming any pension under this Act] .
- (g) lay down such other matters as may be or are required to be prescribed by this Act.

⁴[(3) Any rule under this Act may be made so as to have retrospective effect from such date, not earlier than the date of commencement of this Act, as the State Government may, by notification in the Official Gazette, appoint.]

1. Substituted by Raj. Act No. 4/1981, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 2.4.1981.

2. Substituted by Raj. Act No. 16/1964, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 14.5.1964.

3. Inserted by Raj. Act No. 46/1976, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 14.12.1976.

4. Inserted by Raj. Act No. 1/1983, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 14.3.1983.

12. Savings :-

Nothing in this Act or in the Rules made thereunder shall prevent any Officer or member of the Legislative Assembly or any Minister from receiving or being entitled to receive in addition to the salaries and allowances to which he is entitled in accordance with law, any pension, allowance or salary lawfully permissible to him as a retired Government servant or otherwise.

12A. Option to draw allowances at lesser rates :-

¹[Notwithstanding anything contained in this Act, a member who does not wish to draw allowances at the rates admissible to him under this Act, as amended from time to time, may draw such allowances and at such rates as in force on such day as he may elect by notice in writing addressed to the Speaker.]

1. Inserted by Raj. Act No. 25/1976, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 17.4.1976.

13. Repeal and Savings :-

(1) The Rajasthan Legislative Assembly (Officers and Members Emoluments) Ordinance, 1956 (Rajasthan Ordinance IX of 1956), is hereby repealed.

(2) The said repeal shall not affect the rules made under the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1952 (Rajasthan Act XV of 1952), in force in the pre-reorganisation State of Rajasthan and such rules as in force immediately before the appointed day shall continue to be in force and shall be deemed, until new rules are made under this Act, to have been made thereunder.

14. Regulation of certain payments on account of the concessions :-

¹[Notwithstanding anything contained in the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1952 (Rajasthan Act XV of 1952) of the pre-reorganisation State of Rajasthan all sums of money paid or payable for and on behalf of an Officer of the Legislative Assembly whose salary and allowances were governed by the said Act on account of the consumption of electricity and water at his residence shall, subject to the limits specified in Sec. 6-A, be deemed to have been properly and lawfully paid or payable and no demand shall be made on any such Officer for the refund of the whole or any portion of such payment.]

1. Inserted by Raj. Act No. 22/1957, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 26.6.1957.