

Haryana Legislative Assembly (Facilities To Members) Act, 1979

[Act No. 9 Of 1979]

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An Act to provide certain facilities to members of the Haryana Legislative Assembly.

Haryana Legislative Assembly (Facilities To Members) Act, 1979

[Act No. 9 Of 1979]

[6th April, 1979]

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

1 - Short title

This Act may be called the Haryana Legislative Assembly (Facilities to Members) Act, 1979.

2 - Definitions

In this Act, unless the subject or context otherwise requires.-

(a) "Assembly" means the Haryana Legislative Assembly;

(b) "Deputy Speaker" means the Deputy Speaker of the Assembly;

(c) "member" means a member of the Assembly and includes the Chief Minister, a Minister, a Minister of State, a Deputy Minister, the Chief Parliamentary Secretary

and a Parliamentary Secretary;

(d) "Minister" means a member of the Council of Ministers, by whatever name called, and includes a Deputy Minister;

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

(f) "Speaker" means the Speaker of the Assembly.

3 - Facilities

Subject to such conditions and limitations as may be prescribed there may be paid to each member a sum of money, by way of re-payable advance,-

(a) not exceeding

(i) twelve lakhs rupees for purchasing a built house or flat or for building a house or flat to be constructed by the Cooperative Group Housing Society of which ,he is a member; or

(ii) one lakh rupees for effecting major repairs, additions or alterations to his house;

(b) not exceeding six lakhs rupees for purchase of a Motor- car or anticipated price thereof, whichever is less; provided that a member shall be eligible to [draw second car advance also on the repayment of first Motor-car advance along with interest thereon in a tenure of the Vidhan Sabha which may be for a ;period of five years or less.

Provided that a member who has drawn repayable advance for purchasing a built house or for building a house for the first time he may draw repayable advance for second time as per entitlement excluding the amount of the sale proceeds of the first house

Provided further that the total amount of repay Me advance under clauses (a) and (b) shall not exceed eighteen lakhs rupees

4 - Application for advance

(1) Omitted by Haryana Act 12 of 1980 [* * * * .]

(2) An application for the advance shall be made to the State Government in such form, and shall contain such information, as may be prescribed.

5 - Security for repayment

(1) On the acceptance of an application for an ad♦vance, the member shall execute a deed in the prescribed form, undertaking to use the advances for the purpose for which, and to fulfill the conditions on which, the ad♦vance is sanctioned, rendering himself and such property as may have been specified in the deed as security, including the house built or flat]1 with the aid of the advance;

Provided that no advance for building the house shall be sanctioned unless the plot or land on which the house is to be built, is exclusively owned and possessed, by the member applying there for, and is free from all encumbrances:

Provided further that the advance for any of the purposes specified in clause (a) of

section 3 shall be paid in such manner as may be prescribed.

(2) No transfer, assignment or charge made or created after the execution of the deed under sub-section (1), in relation to the property specified therein or the [the house built or flat] with the aid of the advance, shall be valid against the State Government, unless it has been made or created with its previous consent in writing.

5A - Eligibility for advance in certain cases

Notwithstanding anything to the contrary contained in section 5. a member who has been allotted a residential plot by the Haryana Urban Development Authority, the price of which has to be paid in installments, shall be eligible for the payment of advance for building the house; if the member -

(i) has made initial payment towards the price of the plot;

(ii) has been put in possession of the plot; and

(iii) has been permitted by the Haryana Urban Development Authority to mortgage the plot to the Government.

6 - Advance how repayable

The advance, together with interest due thereon, shall be repayable by installments as may be provided for in the deed executed by the member under section 5.

[Provided that interest at the rate of four per cent per annum shall be charged on the repayable advance obtained by the member for the purchase of a motor car.

7 - Facilities to Speaker and Deputy Speaker

The Speaker or the Deputy Speaker, as the case may be, shall be deemed to be a member for the purposes section 3

8 - Power to make rules

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

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

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

(b) the conditions and limitations for payment of advance under section 3;

(c) the form in which application may be made, and the information to be contained in the application, under section 4;

(d) the form in which the deed may be executed, and the manner in which the advance shall be paid] under section 5;

(e) interest, and penal interest in case of default.

(3) Every rule made under this section shall be laid as soon as may be after it is made before the House of State Legislature while it is in session for a total period

of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.