



**The Himachal Pradesh Legislative Assembly (Allowances of Member) (Sixth Amendment) Act, 1976**

Act 43 of 1976

**Keyword(s):**

Legislative Assembly, Committee, Member, MLA, Parliamentary Secretary, Speaker, Term of office

Amendments appended: 8 of 1977, 11 of 1977, 31 of 1978, 4 of 1982, 7 of 1982, 10 of 1985, 3 of 1987, 12 of 1987, 12 of 1988, 13 of 1988, 3 of 1989, 11 of 1989, 2 of 1990, 13 of 1991, 19 of 1991, 5 of 1994, 14 of 1995, 10 of 1996, 16 of 1997, 17 of 1998, 1

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**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES OF MEMBERS) (SIXTH AMENDMENT) ACT, 1976**

**ARRANGEMENT OF SECTIONS**

*Sections :*

1. Short title and commencement.
2. Amendment of long title, preamble and sub-section (1) of section 1.
3. Amendment of section 2.
4. Amendment of section 3.
5. Insertion of section 6-B.
6. Amendment of section 7.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES OF MEMBERS) (SIXTH AMENDMENT) ACT, 1976**

(ACT NO. 43 OF 1976)

(Received the assent of the Governor, Himachal Pradesh on the 30th December, 1976 and was published in R. H. P. Extra, dated the 31st December, 1976, p. 2026-28).

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances of Members) Act, 1971 (Act No. 8 of 1971).*

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

**1. Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances of Members) (Sixth Amendment) Act, 1976.

(2) It shall come into force at once.

**2. Amendment of long title, preamble and sub-section (1) of section 1.**—For the word "allowances" occurring in the long title, preamble and sub-section (1) of section 1 of the Himachal Pradesh Legislative Assembly (Allowances of Members) Act, 1971 (8 of 1971) (hereinafter called the principal Act), the words "allowances and pension" shall be substituted.

**3. Amendment of section 2.**—In section 2 of the principal Act, the following amendments shall be made, namely:—

- (a) the word "and" appearing at the end of clause (e) shall be omitted;
- (b) the sign "." occurring at the end of clause (f) shall be substituted by the sign and word ";and";
- (c) after clause (f) so amended the following clause (g) shall be added:—

“(g) ‘territorial council’ means the council that existed in Himachal Pradesh during the absence of the Assembly from 1957 to 1963.”

1. For Statement of Objects and Reasons see R.H.P. Extra, dated, 8-4-1977, p. 302

4. Amendment of section 3.—Sub-sections (2), (3) and (5) of section 3 of the principal Act, shall be deleted.

5. Insertion of section 6-B.—After section 6-A of the principal Act, the following new section 6-B shall be inserted, namely:—

“6-B. Pension.—(1) There shall be paid a pension of Rs. 300.

per mensem to every person who has served for a period of not less than five years whether continuous or not 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:

Provided that where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of Rs. 50 per mensem for every year in excess of five, so, however, that in no case the pension payable to such person shall exceed Rs. 500 per mensem.

- (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 the Council of States or the House of the People or any Legislative Assembly of a State or a Union territory or Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966 (19 of 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.

(3) Where any person entitled to pension under sub-section (1) is also entitled to any pension 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, than,—

- (a) where the amount of pension to which he is entitled under such law or otherwise is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; and

- (b) where the amount of pension to which he is entitled under such law or otherwise is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that section only for an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section.

(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 (3 of 1971) or the Speaker or the Deputy Speaker of the Assembly or the Chairman of the Territorial Council shall also be taken into account."

6. Amendment of section 7.—In sub-section (2) of section 7 of the principal Act, the word "and" occurring at the end of clause (f) shall be omitted and there-after the following clause (ff) shall be inserted, namely:—

"(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; and"

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (SEVENTH AMENDMENT) ACT, 1977**

**ARRANGEMENT OF SECTIONS**

*Sections :*

1. Short title and commencement.
2. Amendment of section 6-B.
3. Insertion of section 6-C.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (SEVENTH AMENDMENT) ACT, 1977**

(ACT No. 11 OF 1977)<sup>1</sup>

(Received the assent of the Governor, Himachal Pradesh on the 30th June, 1977 and was published in R.H.P. Extra, dated the 1st July, 1977, p. 745-746).

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

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

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Seventh Amendment) Act, 1977.

(2) It shall come into force at once.

1. For Statement of Objects and Reasons, see R.H.P., Extra, dt. 8-4-1977, p. 302.

2. Amendment of section 6-B.—In section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971), the following amendments shall be made, namely:—

(a) After sub-section (1) and before the existing proviso, the following new proviso shall be inserted:—

“Provided that,—

- (i) the members elected or nominated from the constituencies where the elections are or have been conducted or such nomination made or any day subsequent to the date fixed for the general elections in the State; or
- (ii) the members who due to the circumstances beyond their control fail to take oath on the day fixed for the purpose; or
- (iii) the members elected or nominated to the Assembly constituted or deemed to have been constituted under section 5 of the Government of Union Territories Act, 1963 (20 of 1963); or
- (iv) the members of Assembly constituted under section 3 of the Government of Part-C States Act, 1951 (49 of 1951); shall be entitled to the pension under sub-section (1) irrespective of the facts that they have not completed the specified period of five years as such members;”

(b) in the existing proviso after the words “provided” but before the word “that” the word “further” shall be inserted.

3. Insertion of section 6-C.—After section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, the following section alongwith its heading shall be added, namely:—

“6-C. Medical facilities to ex-members—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”.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (EIGHTH AMENDMENT) ACT, 1977**

**ARRANGEMENT OF SECTIONS**

*Sections :*

1. Short title and commencement.
2. Insertion of explanation to sub-section (4) of section 3.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (EIGHTH AMENDMENT) ACT, 1977**

(ACT No. 8 of 1977)<sup>1</sup>

(Received the assent of the Governor, Himachal Pradesh on the 29th April, 1977 and was published in R.H.P. Extra, dated the 2nd May, 1977, p. 413).

1. For Statement of Objects and Reasons, see R.H.P. Extra, dt. 8-4-1977, p. 304.

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

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

1. **Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Eighth Amendment) Act, 1977.

(2) It shall be deemed to have come into force with effect from the 25th June, 1975.

2. **Insertion of explanation to sub-section (4) of section 3.**—After sub-section (4) of section 3 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971), the following explanation shall be inserted, namely:—

“*Explanation.*—The legal detention for this purpose does not include detention under any law relating to preventive detention.”

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (NINTH AMENDMENT) ACT, 1978**

**ARRANGEMENT OF SECTIONS**

*Sections :*

1. Short title and commencement.
2. Amendment of section 6-B.
3. Retrospective effect to certain amendments.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (NINTH AMENDMENT) ACT, 1978**

(ACT No. 31 OF 1978)<sup>1</sup>

(Received the assent of the Governor, Himachal Pradesh on the 5th October, 1978 and was published in R.H.P. Extra, dated the 13th October, 1978, p. 1357-58).

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

It is hereby enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-ninth Year of the Republic of India, as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Ninth Amendment) Act, 1978.

(2) It shall come into force at once.

2. **Amendment of section 6-B.**—In sub-section (1) of section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act,

1. For Statement of Objects and Reasons, see R.H.P., Extra, dt. 16-9-1978, p. 1183

- (b) where the amount of pension to which he is entitled under such law or otherwise is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that section only for an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section.

(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 (3 of 1971) or the Speaker or the Deputy Speaker of the Assembly or the Chairman of the Territorial Council shall also be taken into account."

6. Amendment of section 7.—In sub-section (2) of section 7 of the principal Act, the word "and" occurring at the end of clause (f) shall be omitted and there-after the following clause (ff) shall be inserted, namely:—

"(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; and"

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (SEVENTH AMENDMENT) ACT, 1977**

**ARRANGEMENT OF SECTIONS**

*Sections :*

1. Short title and commencement.
2. Amendment of section 6-B.
3. Insertion of section 6-C.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (SEVENTH AMENDMENT) ACT, 1977**

(ACT No. 11 OF 1977)<sup>1</sup>

(Received the assent of the Governor, Himachal Pradesh on the 30th June, 1977 and was published in R.H.P. Extra, dated the 1st July, 1977, p. 745-746).

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

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

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Seventh Amendment) Act, 1977.

(2) It shall come into force at once.

1. For Statement of Objects and Reasons, see R.H.P., Extra, dt. 8-4-1977, p. 302.

2. Amendment of section 6-B.—In section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971), the following amendments shall be made, namely:—

(a) After sub-section (1) and before the existing proviso, the following new proviso shall be inserted:—

“Provided that,—

- (i) the members elected or nominated from the constituencies where the elections are or have been conducted or such nomination made or any day subsequent to the date fixed for the general elections in the State; or
- (ii) the members who due to the circumstances beyond their control fail to take oath on the day fixed for the purpose; or
- (iii) the members elected or nominated to the Assembly constituted or deemed to have been constituted under section 5 of the Government of Union Territories Act, 1963 (20 of 1963); or
- (iv) the members of Assembly constituted under section 3 of the Government of Part-C States Act, 1951 (49 of 1951); shall be entitled to the pension under sub-section (1) irrespective of the facts that they have not completed the specified period of five years as such members;”

(b) in the existing proviso after the words “provided” but before the word “that” the word “further” shall be inserted.

3. Insertion of section 6-C.—After section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, the following section alongwith its heading shall be added, namely:—

“6-C. Medical facilities to ex-members—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”.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (EIGHTH AMENDMENT) ACT, 1977**

**ARRANGEMENT OF SECTIONS**

*Sections :*

1. Short title and commencement.
2. Insertion of explanation to sub-section (4) of section 3.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (EIGHTH AMENDMENT) ACT, 1977**

(ACT No. 8 of 1977)<sup>1</sup>

(Received the assent of the Governor, Himachal Pradesh on the 29th April, 1977 and was published in R.H.P. Extra, dated the 2nd May, 1977, p. 413).

1. For Statement of Objects and Reasons, see R.H.P. Extra, dt. 8-4-1977, p. 304.



*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

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

1. **Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Eighth Amendment) Act, 1977.

(2) It shall be deemed to have come into force with effect from the 25th June, 1975.

2. **Insertion of explanation to sub-section (4) of section 3.**—After sub-section (4) of section 3 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971), the following explanation shall be inserted, namely:—

“*Explanation.*—The legal detention for this purpose does not include detention under any law relating to preventive detention.”

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (NINTH AMENDMENT) ACT, 1978**

**ARRANGEMENT OF SECTIONS**

*Sections :*

1. Short title and commencement.
2. Amendment of section 6-B.
3. Retrospective effect to certain amendments.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (NINTH AMENDMENT) ACT, 1978**

(ACT No. 31 OF 1978)<sup>1</sup>

(Received the assent of the Governor, Himachal Pradesh on the 5th October, 1978 and was published in R.H.P. Extra, dated the 13th October, 1978, p. 1357-58).

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

It is hereby enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-ninth Year of the Republic of India, as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Ninth Amendment) Act, 1978.

(2) It shall come into force at once.

2. **Amendment of section 6-B.**—In sub-section (1) of section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act,

1. For Statement of Objects and Reasons, see R.H.P., Extra, dt. 16-9-1978, p. 1183

1971 (8 of 1971) (hereinafter called the principal Act), the following amendments shall be made, namely:—

- (1) for the sign “:” appearing at the end of clause (c), the sign and word “; or” shall be substituted, and after clause (c) so amended, the following clauses (d) and (e) shall be inserted:—

“(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 (31 of 1966) and is an ordinarily resident of the territories as comprise in the State of Himachal Pradesh; or

“(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;” and

- (ii) in the first proviso at the end of clause (iv), the word “or” shall be inserted and after clause (iv) so amended, the following clause (v) shall be added:—

“(v) the members of the Territorial Council of Himachal Pradesh chosen or nominated under section 3 of the Territorial Councils Act, 1956; (103 of 1956)”.

3. **Retrospective effect to certain amendments.**—The amendments made in section 6-B of the principal Act, *vide* section 2 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Seventh Amendment) Act, 1977, (11 of 1977) and *vide* section 2 of this Act shall always be deemed to have been made with effect from the 31st December, 1976.

## NOTIFICATIONS AND RULES

UNDER

### THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) ACT, 1971

Authorisation to countersign claims of M.L.As.

VIDHAN SABHA SECRETARIAT

NOTIFICATION

Shimla-171004, the 5th July, 1978

No. 3-1/71-VS.—In exercise of the powers conferred by section 7 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members)

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) (AMENDMENT)  
ACT, 1982**

(Act No. 4 of 1982)<sup>1</sup>

ARRANGEMENT OF SECTIONS

*Sections:*

1. Short title and commencement.
2. Amendment of section 6-B.

*(Received the assent of the Governor of Himachal Pradesh on the 30th April, 1982 and was published in Rajpatra, Himachal Pradesh (Extra.), dated the 30th April, 1982, at page 342).*

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

Enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-third Year of the Republic of India, as follows:—

1. Short title and commencement.— (1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Act, 1982.

(2) It shall and shall always be deemed to have come into force with effect from the 31st day of December, 1976.

2. Amendment of section 6-B.— In section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971),—

(a) in clause (d) of sub-section (1), the words, "and is an ordinarily resident of the territories as comprised in the State of Himachal Pradesh" shall be omitted;

(b) after the sign ";" occurring at the end of item (v) of the first proviso to sub-section (1) the word "or" shall be inserted and after the item (v) so amended the following items (vi) and (vii) shall be added, namely:—

"(vi) the members of the Legislative Council of the erstwhile Punjab State who ceased to be such members under sub-section (2) of section 22 of the Punjab Re-organisation Act, 1966 (31 of 1966) and who had their domicile in the State of Himachal Pradesh during the period they served as members of the said Council; or

(vii) the members who have served as members for full term of a Legislative Assembly, the Legislative Council or the Territorial Council, as the case may be, but the term falls short of five years by a period not exceeding three months;" and

I. For Statement of Objects and Reasons, see R.H.P. Extra, dated 1-4-1982 at page 221.

- (c) for the sign " " occurring at the end of sub-section (3), the sign " " shall be substituted and thereafter the following proviso shall be inserted namely :—

"Provided that the pension payable under the Freedom Fighters' Pension Scheme and/or the Swatantrata Sainik Samman Pension Scheme framed by the Central Government shall not be taken into account for determining the amount of pension payable under this Act."

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) (SECOND  
AMENDMENT) ACT, 1982**

(Act No. 7 of 1982)<sup>1</sup>

**ARRANGEMENT OF SECTIONS**

**Sections:**

**1. Short title and commencement.**

**2. Amendment of section 3.**

*(Received the assent of the Governor, Himachal Pradesh, on the 22nd July, 1982 and was published in R.H.P. (Extra.) dated the 24th July, 1982, at page 714)*

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-third Year of the Republic of India, as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Second Amendment) Act, 1982.

(2) It shall and shall always be deemed to have come into force with effect from the 19th day of May, 1982.

**2. Amendment of section 3.**—For the words "from the date on which he takes his oath" occurring in sub-section (1) of section 3 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971) the words "from the date on which he is declared duly elected under the Representation of the People Act, 1951 (43 of 1951) or if such declaration is made before the vacancy occurs, from the date of occurrence of vacancy" shall be substituted.

<sup>1</sup> For Statement of Objects and Reasons see, R.H.P. Extra., dated 30-5-1982, page 600.

- (c) for the sign " " occurring at the end of sub-section (3), the sign " " shall be substituted and thereafter the following proviso shall be inserted namely :—

"Provided that the pension payable under the Freedom Fighters' Pension Scheme and/or the Swatantrata Sainik Samman Pension Scheme framed by the Central Government shall not be taken into account for determining the amount of pension payable under this Act."

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) (SECOND  
AMENDMENT) ACT, 1982**

(Act No. 7 of 1982)<sup>1</sup>

**ARRANGEMENT OF SECTIONS**

**Sections:**

**1. Short title and commencement.**

**2. Amendment of section 3.**

(Received the assent of the Governor, Himachal Pradesh, on the 22nd July, 1982 and was published in R.H.P. (Extra.) dated the 24th July, 1982, at page 714)

An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-third Year of the Republic of India, as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Second Amendment) Act, 1982.

(2) It shall and shall always be deemed to have come into force with effect from the 19th day of May, 1982.

**2. Amendment of section 3.**—For the words "from the date on which he takes his oath" occurring in sub-section (1) of section 3 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971) the words "from the date on which he is declared duly elected under the Representation of the People Act, 1951 (43 of 1951) or if such declaration is made before the vacancy occurs, from the date of occurrence of vacancy" shall be substituted.

1. For Statement of Objects and Reasons see, R.H.P. Extra., dated 30-5-1982, page 600.

and "from the" in the second proviso to rule 7, the words 'luggage upto a full wagon' shall be substituted; and

(c) at the end of rule 7, the following explanation shall be added, namely :--

"Explanation.—For the purpose of these rules, the words "full wagon" will have the same meaning as given for these words in rule 1-A of the 'High Court Judges' Travelling Allowance Rules, 1956."

4. Amendment of rule—10.—The words "the Act or" occurring in between the words "made in" and "these rules" in rule 10 of the said rules shall be deleted.

(R.H.P. Extra., dated 15th November, 1985, P. 2644-2645)

#### NOTIFICATIONS AND RULES

Under

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) ACT, 1971

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (AMENDMENT) ACT, 1985

(Act No. 10 of 1985)

#### ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Amendment of section 2.
3. Amendment of section 4-D.

[Received the assent of the Governor of Himachal Pradesh on the 11th September, 1985 and was published in Rajpatra, Himachal Pradesh (Extraordinary), dated the 28th September, 1985 at page 1571].

An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).

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

1. Short title and commencement.—(1) This Act may be

1. For statement of Objects and Reasons see R.H.P. Extra., dated 6th July, 1985, page 1014.

called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Act, 1985.

(2) It shall be deemed to have come into force with effect from the 1st day of October, 1984.

2. Amendment of section 2.—In section 2 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971) (hereinafter called the principal Act),—

- (a) the word "and" occurring at the end of clause (f) shall be omitted; and
- (b) for the sign "." occurring at the end of clause (g), the sign and word "; and" shall be substituted and thereafter the following new clause (h) shall be added, namely :—

"(h) 'Governor' means the Governor of Himachal Pradesh."

3. Amendment of section 4-D.—The existing section 4-D of the principal Act, shall be renumbered as sub-section (1) and thereafter the following new sub-section (2) shall be added, namely :—

"(2) Where a member having obtained house building advance for the construction of a house or for the purchase of a build-up house under sub-section (1) dies during his term as such member 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 along with interest thereon may be written off with the sanction of the Governor."

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) RULES, 1971

AMENDMENT OF RULES

HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT

Notification

Shimla-4, the 2nd May, 1985

No. 3-84/80-VS.—In exercise of the powers vested in him under section 7 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, the Speaker, Himachal Pradesh Legislative Assembly, hereby makes the following rules to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Rules, 1971:—

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh Legislative Assembly (Allowances

and Pension of Members) (First Amendment) Rules, 1985.

(2) These rules shall come into force with effect from the 1st day of May, 1985.

2. Substitution of Proviso to rule 6.—The proviso shall be substituted as below :—

"Provided that claims on account of travelling, halting and incidental allowances of Members for attending the meetings of Committees appointed by Government shall be paid after these have been countersigned by the Secretary, Vidhan Sabha for encashment."

(R.H.P. Extra., dated 8th June, 1985, P. 897-898)

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY MEMBERS  
(ADVANCE OF LOAN FOR PURCHASE OF MOTOR CAR) RULES, 1979

AMENDMENT OF RULES

HIMACHAL PRADESH VIDHAN SABHA

Notification

Shimla-4, the 8th August, 1985

No. 3-28/79-VS.—In exercise of the powers conferred by section 7 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971), the Speaker, Himachal Pradesh Legislative Assembly, hereby makes the following rules to amend the Himachal Pradesh Legislative Assembly Members (Advance of Loan for Purchase of Motor Car) Rules, 1979 :—

1. Short title and commencement.—(1) These rules may be called Himachal Pradesh Legislative Assembly Members (Advance of Loan for Purchase of Motor Car) (1st Amendment) Rules, 1985.

(2) These rules shall come into force with immediate effect.

2. Amendment of rule 4.—For the words "Sixty thousand" occurring in rule 4 of the Himachal Pradesh Legislative Assembly Members (Advance of Loan for purchase of Motor Car) Rules, 1979, (hereinafter called the "said rules"), the words "Eighty five thousand" shall be substituted and for the sign "." occurring at the end of rule 4 of the said rules, the sign ":" shall be substituted and thereafter the following proviso shall be added, namely :—

"Provided that in case a Member has taken the house building advance under rule 4 of the Himachal Pradesh Legislative Assembly Members (Advance of Loan for House Building) Rules, 1979, then the total amount of the Motor Car Advance together with the house building advance already availed



13. *Responsibility of first court of appeal.*—All Appellate Courts should insist that the particulars set forth in paragraphs 8 and 9 above shall always be contained in the judgement of the Court of first instance.

[R. H.P. dated 29-8-1987, P. 649].

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (AMENDMENT) ACT, 1986**

(ACT No. 3 of 1987)<sup>1</sup>

**ARRANGEMENT OF SECTIONS**

Sections :

1. Short title and commencement.
2. Amendment of section 6-B.

(Received the assent of the Governor, Himachal Pradesh, on the 2nd January 1987, and was published in R.H.P. Extra., dated 8-1-1987 at page 112)

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-seventh Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Act, 1986.

(2) It shall come into force at once.

2. *Amendment of section 6-B.*—For the existing sub-section (5) of section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, (8 of 1971) the following sub-section (5) shall be substituted, namely :—

“(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 from the day immediately following the day of such death or the 24th day of January, 1986 whichever is later, pension equal to the sum which would have been drawn by such person under this section;

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

1. For Statement of Objects and Reasons see R.H.P. Extra, dated 3-12-86-P. 2188.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (AMENDMENT) ACT, 1987**

(Act No. 12 of 1987)<sup>1</sup>

**ARRANGEMENT OF SECTIONS**

Sections :

1. Short title and commencement.
2. Amendment of section 4-B.

(Received the assent of the Governor, Himachal Pradesh, on the 8th May, 1987 and was published in Rajpatra, Himachal Pradesh, dated the 8th May, 1987, P.773).

*An Act to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-eighth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Act, 1987.

(2) It shall come into force at once.

2. *Amendment of section 4-B.*—In section 4-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971) :—

- (a) for the words "seven hundred and fifty", the words "one thousand three hundred and fifty" shall be substituted;
- (b) for the sign "." appearing at the end of the existing section 4-B, the sign ":" shall be substituted and thereafter the following proviso along with an Explanation shall be added, namely :—

"Provided that 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 seven hundred and fifty rupees per mensem.

*Explanation.*—For the purposes of this section, the expression 'secretarial facility' shall include stenographic assistance."

1. For Statement of Objects and Reasons see R.H.P. Extra dated 16-5-1987 p. 818.

Reference to the Rule	Line	Read	For
1	2	3	4
Rule 3(3)	Proviso	rejection	relection
Rule 5(2)	1	inform	inform
Rule 5(2)	5	register	register

[R.H.P. dated, 20-8-1988, P. 738.]

## NOTIFICATION

UNDER

### THE HIMACHAL PRADESH/KHADI AND VILLAGE INDUSTRIES BOARD (AMENDMENT) ACT, 1987

#### ENFORCEMENT OF THE ACT

[*Authoritative English text of the Government notification No. Udyog-II, (Chh.) 8-11/87, dated 2nd March, 1988 issued in Hindi and published in R.H.P Extra., dated 12-4-1988, P. 543.*]

### INDUSTRIES DEPARTMENT

#### NOTIFICATION

*Shimla-2, the 2nd March, 1988*

No. Udyog-II(Chh.)8-11/87.—In pursuance of sub-section (2) of section 1 of the Himachal Pradesh Khadi and Village Industries Board (Amendment) Act, 1987 (Act No. 22 of 1987), the Governor, Himachal Pradesh, is pleased to appoint the 2nd day of March, 1988 as the date on which the said Act shall come into force.

[R.H.P. Extra., dated 12-4-1988, P. 543-544].

### THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (SECOND AMENDMENT) ACT, 1988

(Act No. 12 of 1988)<sup>1</sup>

#### ARRANGEMENT OF SECTIONS

##### Sections:

1. Short title.
2. Amendment of section 4.

[*Authoritative English text of the Himachal Pradesh Vidhan Sabha (Sadasyon Ke Bhatte aur Pension) (Dvitiya Sanshodhan) Adhiniyam, 1988 (1988 ka Adhiniyam Sankhyank 12).*]

[Received the assent of the Governor, Himachal Pradesh, on the 24th October, 1988 and was published in Hindi in R.H.P., Extra, dated 29th October, 1988 at page 2539 and in English in R.H.P., Extra., dated 29th October, 1988 at page 2540].

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No 8 of 1971).*

\*Bs it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-ninth Year of the Republic of India as follows:—

\*1. **Short title.**—This Act may be called the Himachal Pradesh Legislative, Assembly (Allowances and Pension of Members) (Second Amendment) Act 1988.

2. **Amendment of section 4.**—For the word “seventy-five” wherever it occurs in section 4 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971) the words “one hundred” shall be substituted.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) (AMENDMENT)  
ACT, 1988**

(ACT No. 13 OF 1988)<sup>2</sup>

**ARRANGEMENT OF SECTIONS**

*Sections:*

- 1 Short title and commencement.
2. Amendment of section 6-B.

[*Authoritative English text of the Himachal Pradesh Vidhan Sabha (Sadasyon ke Bhatie aur Pension) (Sanshodhan) Adhinyam, 1988 (1988 ka Adhinyam Sankhyank 7)*].

1. Passed in Hindi by the Vidhan Sabha. For Statement of Objects and Reason see R.H.P. Extra, dated 1-9-1988, P. 2110, and 2112.
2. Passed in Hindi by the H.P. Vidhan Sabha. For statement of Objects and Reasons see R.H.P. Extra., dated 31-8-1988, P. 2098 and 2100.

[Received the assent of the Governor, Himachal Pradesh, on the 26th October, 1988 and was published in Hindi in R.H.P. Extra., dated the 29th October, 1988 at page 2535 and in English in R.H.P. Extra., dated the 29th October, 1988 at page 2536].

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

Bs it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-ninth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Act, 1988.

[Received the assent of the Governor, Himachal Pradesh, on the 24th October, 1988 and was published in Hindi in R.H.P., Extra, dated 29th October, 1988 at page 2539 and in English in R.H.P., Extra., dated 29th October, 1988 at page 2540].

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No 8 of 1971).*

\*Bs it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-ninth Year of the Republic of India as follows:—

\*1. **Short title.**—This Act may be called the Himachal Pradesh Legislative, Assembly (Allowances and Pension of Members) (Second Amendment) Act 1988.

2. **Amendment of section 4.**—For the word “seventy-five” wherever it occurs in section 4 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971) the words “one hundred” shall be substituted.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) (AMENDMENT)  
ACT, 1988**

(ACT No. 13 OF 1988)<sup>2</sup>

**ARRANGEMENT OF SECTIONS**

*Sections:*

- 1 Short title and commencement.
2. Amendment of section 6-B.

[*Authoritative English text of the Himachal Pradesh Vidhan Sabha (Sadasyon ke Bhatie aur Pension) (Sanshodhan) Adhinyam, 1988 (1988 ka Adhinyam Sankhyank 7)*].

1. Passed in Hindi by the Vidhan Sabha. For Statement of Objects and Reason see R.H.P. Extra, dated 1-9-1988, P. 2110, and 2112.
2. Passed in Hindi by the H.P. Vidhan Sabha. For statement of Objects and Reasons see R.H.P. Extra., dated 31-8-1988, P. 2098 and 2100.

[Received the assent of the Governor, Himachal Pradesh, on the 26th October, 1988 and was published in Hindi in R.H.P. Extra., dated the 29th October, 1988 at page 2535 and in English in R.H.P. Extra., dated the 29th October, 1988 at page 2536].

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

Bs it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-ninth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Act, 1988.

(2) It shall come into force and shall be deemed to have come into force with effect from the 24th day of January, 1986.

2. Amendment of section 6-B.—At the end of section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971), the following new sub-section (6) shall be added, namely:—

- “(6) Notwithstanding 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 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 the 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 persons shall draw the said pension in equal shares.”

## NOTIFICATIONS AND RULES

UNDER

### THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) ACT, 1971

#### APPOINTMENTS AND DELEGATIONS

#### VIDHAN SABHA SECRETARIAT

#### NOTIFICATION

*Shimla-4, the 23rd July, 1987*

No. 3-12/80-VS.—In exercise of the powers conferred by section 7 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 read with rule 2(c) of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Rules, 1971, the Speaker, Himachal Pradesh Legislative Assembly, is pleased to authorise the Secretary (Admn. Accounts and Legislative) to countersign the claims of the Members of the Himachal Pradesh Legislative Assembly as per requirement of Rule 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Rules, 1971.

(R.H.P., dated 9-7-1988, p. 570).

a judgment and decree containing the particulars required by the Code of Civil Procedure, 1908 (5 of 1908) to be specified therein.

- (5) An appeal from the decree of the Revenue Officer made under sub-section (4) shall lie to the District Judge as if that decree were a decree of a Subordinate Judge in an original suit.
- (6) A further appeal from the appellate decree of a District Judge upon an appeal under sub-section (5), shall lie to the High Court only if the High Court is satisfied that a substantial question of law is involved."; and
- (c) the existing sub-section (3) shall be renumbered as sub-section (7).

3. *Amendment of section 171.*—The existing clause (xxv) of sub-section (2) of section 171 of the principal Act shall be renumbered as (xxvi) and before clause so renumbered, the following clause shall be inserted, namely :—

“(xxv) any question, as to any land or any right to, or title or interest in, the land which is an encroached land or in relation to which any person claims that it has vested or is deemed to have vested in him and that he cannot be ejected therefrom under sub-section (1) of section 163; and ”.

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (THIRD AMENDMENT) ACT, 1988

(ACT No. 3 of 1989)<sup>1</sup>

ARRANGEMENT OF SECTIONS

Sections :

1. Short title.
2. Amendment of section 6-B.
3. Addition of Schedule.
4. Transitory provisions.

[*Authoritative English text of the Himachal Pradesh Vidhan Sabha (Sadasyon ke Bhatte aur Pension) (Tritiya Sanshodhan) Adhiniyam, 1989 (1989 ka Adhiniyam Sankhyank 3) as required under clause (3) of the Article 348 of the Constitution of India*]

(Received the assent of the Governor, Himachal Pradesh, on the 4th February, 1989 and was published in Hindi in R.H.P. Extra., dated 7th February, 1989 at page 239-241 and in English in R.H.P. Extra., dated 7th February, 1989 p 242-243)

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 23-12-1988, p. 70 and 73.

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

It is hereby enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-ninth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Himachal Pradesh Legislative Assembly Allowances and Pension of Members) (Third Amendment) Act, 1988.

2. *Amendment of section 6-B.*—In section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971) (hereinafter called the principal Act),—

(a) for the words and figure "Rs. 1500 per. mensem", occurring in the second proviso to sub-section (1), the words "the maximum pension admissible to the highest Grade-I Officer of the State Government" shall be substituted;

(b) after sub-section (1), the following new sub-section (1-A) shall be added, namely:—

"(1-A) Notwithstanding anything to the contrary contained in sub-section (1), every person who is not eligible to draw pension under sub-section (1) for the reason that he has not served as member for a period specified therein, shall be paid a pension—

- (i) if he has served for a period exceeding one year but less than 2 years, equal to 1/3rd of the amount of pension admissible under sub-section (1);
- (ii) if he has served for a period exceeding 2 years but less than 3 years, equal to 2/3rd of the amount of pension admissible under sub-section (1); and
- (iii) if he has served for a period exceeding 3 years but less than five years, equal to the amount of pension admissible under sub-section (1).";

(c) for existing sub-section (5) the following sub-section (5) shall be substituted and thereafter new sub-sections (6) and (7) shall be added, namely :—

"(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 maturity and in case of daughters till they get married;

shall be entitled to draw pension at the rates specified in the Schedule to this Act :

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.



(6) The State Government may, from time to time, by notification published in the Official Gazette, modify the rates specified in the Schedule to this Act :

Provided that every notification under this sub-section shall, immediately after it is issued, be laid before the State Legislative Assembly.

(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."

3. *Addition of Schedule.*—The following Schedule shall be added to the principal Act, namely :—

"SCHEDULE

[See sub-sections (5) and (6) of section 6-B]

The rates of family pension under sub-section (5) of section 6-B of the Act shall be as under :—

Pension admissible to <i>ex-M.L.A.</i> under sub-section (1) of section 6-B per mensem	Rates of family pension per mensem
1	2
(i) Not exceeding Rs. 750/-	60 per cent of pension subject to a minimum of Rs. 375/-.
(ii) Exceeding Rs. 750/- but not exceeding Rs. 1500/-	40 per cent of pension subject to a minimum of Rs. 450/-
(iii) Exceeding Rs. 1500/-	30 per cent of pension subject to a minimum of Rs. 600/- and a maximum for Rs. 1250/-."

4. *Transitory provisions.*—Any person who, on the commencement of this Act, is in receipt of a family pension under the principal Act in excess of the amount to which he would have been entitled under the provisions of sub-section (5) of section 6-B of the principal Act, as amended by clause (c) of section 2 of this Act, he shall continue to draw the pension at the same rates but the difference between the amount of family pension admissible and the amount already being drawn by him shall be treated as personal to him, subject to its being absorbed in future increases in family pension or the dearness relief in pension admissible under section 6-B of the principal Act.

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (AMENDMENT) ACT, 1989

(ACT No. 11 OF 1989)<sup>1</sup>

ARRANGEMENT OF SECTIONS

*Sections :*

1. Short title.
2. Amendment of section 6.

1. Passed in Hindi by the H. P. Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 29-1-1989 at page 1068 and 1070.

(6) The State Government may, from time to time, by notification published in the Official Gazette, modify the rates specified in the Schedule to this Act :

Provided that every notification under this sub-section shall, immediately after it is issued, be laid before the State Legislative Assembly.

(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."

3. *Addition of Schedule.*—The following Schedule shall be added to the principal Act, namely :—

"SCHEDULE

[See sub-sections (5) and (6) of section 6-B]

The rates of family pension under sub-section (5) of section 6-B of the Act shall be as under :—

Pension admissible to <i>ex-M.L.A.</i> under sub-section (1) of section 6-B per mensem 1	Rates of family pension per mensem 2
(i) Not exceeding Rs. 750/-	60 per cent of pension subject to a minimum of Rs. 375/-.
(ii) Exceeding Rs. 750/- but not exceeding Rs. 1500/-	40 per cent of pension subject to a minimum of Rs. 450/-
(iii) Exceeding Rs. 1500/-	30 per cent of pension subject to a minimum of Rs. 600/- and a maximum for Rs. 1250/-."

4. *Transitory provisions.*—Any person who, on the commencement of this Act, is in receipt of a family pension under the principal Act in excess of the amount to which he would have been entitled under the provisions of sub-section (5) of section 6-B of the principal Act, as amended by clause (c) of section 2 of this Act, he shall continue to draw the pension at the same rates but the difference between the amount of family pension admissible and the amount already being drawn by him shall be treated as personal to him, subject to its being absorbed in future increases in family pension or the dearness relief in pension admissible under section 6-B of the principal Act.

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (AMENDMENT) ACT, 1989

(ACT No. 11 OF 1989)<sup>1</sup>

ARRANGEMENT OF SECTIONS

*Sections :*

1. Short title.
2. Amendment of section 6.

1. Passed in Hindi by the H. P. Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. EXTRA., dated 29-1-1989 at page 1068 and 1070.

[*Authoritative English text of the Himachal Pradesh Vidhan Sabha (Sadasyon ke Batte aur Pension) (Sanshodhan) Adhiniyam, 1989 (1989 ka Adhiniyam Sankhyank 11) as required under Clause (3) of Article 348 of the Constitution of India*].

(Received the assent of the Governor, Himachal Pradesh, on the 7th June, 1989 and was published in Hindi in R.H.P. Extra, dated 9th June, 1989 at page 1363 and in English in R.H.P. Extra., dated the 9th June, 1989 at page 1364)

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Fortieth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Act, 1989.

2. *Amendment of section 6.*—For the existing second and third provisos to sub-section (1) of section 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Member:) Act, 1971 (8 of 1971), the following proviso shall be substituted, namely :—

“Provided further that journey may also be performed within India by air by the Member and his spouse or any other person accompanying him to look after and assist him and in that event an amount equivalent to the expenses incurred on such journey shall be reimbursed to the Member and the amount so reimbursed shall be adjusted against his entitlement to travel by rail.”

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY SPEAKER'S AND DEPUTY SPEAKER'S SALARIES (AMENDMENT) ACT, 1989

(Act No. 10 of 1989)<sup>1</sup>

#### ARRANGEMENT OF SECTIONS

*Sections :*

1. Short title.
2. Amendment of section 10-A.

[*Authoritative English text of the Himachal Pradesh Vidhan Sabha Adhyaksh aur Upa-Adhyaksh Vetan (Sanshodhan) Adhiniyam, 1989 (1989 ka Adhiniyam Sankhyank 10) as required under Clause (3) of Article 348 of the Constitution of India*].

(Received the assent of the Governor, Himachal Pradesh, on the 7th June, 1989 and was published in Hindi in R.H.P. Extra., dated the 9th June, 1989 at page 1359 and in English in R.H.P. Extra., dated the 9th June, 1989 at page 1360)

1. Passed in Hindi by the H.P. Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 29-4-1989, p. 1078.

[ *Authoritative English text of the Government notification No. GAB-1A(1) 2/87, dated the 16th January, 1990 issued in Hindi and published in R.H.P. Extra, dated 22-1-1990, P. 86-87* ]

*Shimla-2, the 16th January, 1990*

No.GAB-1A(1) 2/87.—In exercise of the powers conferred by section 6 of the Himachal Pradesh Land Revenue Act, 1954 (Act 6 of 1954), the Governor of Himachal Pradesh is pleased to order the creation of new Sub-tehsil Bhalai in Tehsil Salooni of District Chamba, Himachal Pradesh, with the headquarters and territorial jurisdiction shown in the schedule below with immediate effect:—

#### SCHEDULE

Sl. No.	Name of the District	Name of the newly created Sub-tehsil	Headquarters	(Jurisdiction) Names of patwar circles included in the Sub-tehsil
1	2	3	4	5
1.	Chamba	Bhalai	Brangal	1. Guwalu 2. Bhalai 3. Dughar 4. Bahangal 5. Simni 6. Baggi 7. Bhanad 8. Matti 9. Drakari 10. Seri 11. Badka

(R.H.P. Extra., dated 22-1-1990 P. 87-88).

*Authoritative English text of the Himachal Pradesh Vidhan Sabha (Sadyon ke Bhatte aur Pension) (Devitta Sanshodhan) Adhiniyam, 1989 (1990 ka Adhiniyam Sankhyank 2) as required under clause (3) of Article 348 of the Constitution of India.*

#### THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (SECOND AMENDMENT) ACT, 1989

(Act No. 2 of 1990)<sup>1</sup>

#### ARRANGEMENT OF SECTIONS

##### Sections:

1. Short title and commencement.
2. Amendment of section 6-B.

<sup>1</sup>Passed in Hindi by the H. P. Vidhan Sabha. For Statement of Objects and reason see R.H.P. Extra, dated 12-11-1989 P. 2928

(Received the assent of the Governor, Himachal Pradesh on 5th February, 1990 and was published in Hindi in R. H. P. Extra. dated 6-2-1990, page 175 and in English in R. H. P. Extra., dated 6-2-1990, P. 176)

An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Fortieth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Second Amendment) Act, 1989.

(2) It shall be deemed to have come into force with effect from 7th day of February, 1989.

2. *Amendment of section 6-B.*—In section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971,—

(a) in sub-section (1-A),—

(1) for clauses (i) and (ii), the following clause shall be substituted, namely:—

“(i) if he has served for a period exceeding one year but less than three years, the sum of rupees three hundred and seventy-five per mensem; and”;

(2) clause (iii) shall be re-numbered as clause (ii);

(b) in sub-section (5), for the word, brackets and figure “sub-section (1)”, the words, brackets and figures “sub-sections (1) and (1-A)” shall be substituted; and

(c) after sub-section (5) so amended, the following sub-section (5-A) shall be inserted, namely :—

“(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”.

of Kinnaur district, all the powers of a Collector under the said Act, exercisable by them within the local limits of their jurisdictions as Deputy Excise and Taxation Commissioners/Assistant Excise and Taxation Commissioners/Excise and Taxation Officers, as the case may be, so far as these are necessary for the collection of Excise and Taxation Revenue under the following Acts administered by the Excise and Taxation Department, namely:—

1. The Central Sales Tax Act, 1956.
2. The Himachal Pradesh General Sales Tax Act, 1968.
3. The Himachal Pradesh Passengers and Goods Taxation Act, 1955.
4. The Himachal Pradesh Entertainments Duty Act, 1968.
5. The Himachal Pradesh Entertainments Tax (Cinematograph Shows) Act, 1968.
6. The Himachal Pradesh Taxation (On Certain Goods Carried by Road) Act, 1976.
7. The Himachal Pradesh Tax on Luxuries (in Hotels and Lodging Houses) Act, 1979.
8. The Punjab Excise Act, 1914 as applied to the State of H.P.
9. The Medicinal and Toilet Preparations (Excise Duties) Act, 1955.
10. The Narcotic and Psychotropic Substances Act, 1985.
11. The East Punjab Molasses (Control) Act, 1948 as applicable to the State of Himachal Pradesh.
12. The Himachal Pradesh Motor Spirit (Taxation of Sales) Act, 1968.

(R.H.P., dated 30-3-1991, P. 295)

*AUTHORITATIVE ENGLISH TEXT OF*

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (AMENDMENT) ACT,  
1991**

(Act No. 13 of 1991)<sup>1</sup>

**ARRANGEMENT OF SECTIONS**

*Sections:*

1. Short title and commencement.
2. Amendment of section 4-D.

(Received the assent of the Governor, Himachal Pradesh, on the 8th May, 1991 and was published in Hindi in R.H.P. Extra., dated 9-5-1991 at page 1071 and in English in R. H. P. Extra., dated 9-5-1991 at page 1072)

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

<sup>1</sup> Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R. H. P. Extra., dated 12-3-1991, P. 284 and 286

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-second Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 1st day of May, 1985.

2. **Amendment of section 4-D.**—In section 4-D of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971), in sub-section (2),—

- (a) the words “during his term as such members” shall be deleted; and  
(d) the existing Explanation shall be numbered as Explanation-I and after Explanation-I as so numbered, the following new Explanation-II shall be added, namely:—

*Explanation II.*—For the purpose of this sub-section, the expression “member” shall also mean and include the ex-members of the Assembly.”

AUTHORITATIVE ENGLISH TEXT OF

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (SECOND AMENDMENT) ACT, 1991**

(Act No. 19 of 1991)<sup>1</sup>

ARRANGEMENT OF SECTIONS

*Sections:*

1. Short title.
2. Amendment of section 6-B.

(Received the assent of the Governor, Himachal Pradesh, on the 2nd November, 1991 and was published in Hindi in R.H.P. Extra., dated 4-11-1991 at page 2515 and in English in R.H.P. Extra., dated 4-11-1991 at page 2516)

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

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

1. **Short title.**—This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Second Amendment) Act, 1991.

2. **Amendment of section 6-B.**—In section 6-B of the Himachal Pradesh

<sup>1</sup> Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 12-9-1991, P. 1956 and 1958.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-second Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 1st day of May, 1985.

2. **Amendment of section 4-D.**—In section 4-D of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971), in sub-section (2),—

- (a) the words “during his term as such members” shall be deleted; and  
(d) the existing Explanation shall be numbered as Explanation-I and after Explanation-I as so numbered, the following new Explanation-II shall be added, namely:—

*Explanation II.*—For the purpose of this sub-section, the expression “member” shall also mean and include the ex-members of the Assembly.”

AUTHORITATIVE ENGLISH TEXT OF

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (SECOND AMENDMENT) ACT, 1991**

(Act No. 19 of 1991)<sup>1</sup>

ARRANGEMENT OF SECTIONS

*Sections:*

1. Short title.
2. Amendment of section 6-B.

(Received the assent of the Governor, Himachal Pradesh, on the 2nd November, 1991 and was published in Hindi in R.H.P. Extra., dated 4-11-1991 at page 2515 and in English in R.H.P. Extra., dated 4-11-1991 at page 2516)

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

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

1. **Short title.**—This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Second Amendment) Act, 1991.

2. **Amendment of section 6-B.**—In section 6-B of the Himachal Pradesh

<sup>1</sup> Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 12-9-1991, P. 1956 and 1958.



Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971)—

- (a) for the sign “.” appearing at the end of second proviso, the sign “:” shall be substituted;
- (b) after second proviso, the following third proviso shall be inserted, namely:—

“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 of Kinnaur and Lahaul and Spiti districts and Pangri and Bharmaur tehsils in Chamba district.”

RUELS

UNDER

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) ACT, 1971

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOTMENT OF ACCOMMODATION IN M.L.A. HOSTEL) RULES, 1981

AMENDMENT OF RULES

HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT

NOTIFICATION

*Shimla-171003, the 2nd August, 1991*

No. 3-31/91-VS.—In exercise of the powers conferred by section 7 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 and all other powers enabling him in this behalf, the Speaker, Himachal Pradesh Legislative Assembly, has been pleased to make the following amendment in the Himachal Pradesh Legislative Assembly (Allotment of Accommodation in M.L.A. Hostel) Rules, 1981, namely:—

1. These rules may be called the Himachal Pradesh Legislative Assembly (Allotment of Accommodation in M.L.A. Hostel) (First Amendment) Rules, 1991.
2. These rules shall come into force with immediate effect. In Rule 9, Appendix (A) and (C), delete the words “Roberts Block” and “West Cottage”.

in this behalf, the Governor, Himachal Pradesh, is pleased to confer upon the Nab-Fehsildar Dodra Kavar, District Shimla the powers of the Assistant Collector 1st Grade under the said Act to be exercised by him within the local limits of his jurisdiction with immediate effect.

(R.H.P. dated 3-12-1994, p. 1794).

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (AMENDMENT) ACT, 1994**

(Act No. 5 of 1994)<sup>1</sup>

**ARRANGEMENT OF SECTIONS**

Sections :

1. Short title.
2. Amendment of section 3.
3. Amendment of section 4.
4. Amendment of section 4-B.
5. Amendment of section 4-D.
6. Amendment of section 5.
7. Insertion of section 5-A.
8. Amendment of section 6.
9. Amendment of section 6-A.
10. Amendment of section 6-B.
11. Insertion of section 6-CC.

(Received the assent of the Governor, Himachal Pradesh on the 12th May, 1994 and was published in Hindi and English in R.H.P. Extra dated 16-5-1994, p. 1089-1090 and 1091-1092).

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-fifth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Amendment Act, 1994.

2. *Amendment of section 3.*—In section 3 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971) (hereinafter called the principal Act),—

(i) for the marginal heading, the following heading shall be substituted, namely:

“Salary and compensatory allowance” ;

(ii) in sub-section (1), before the words “compensatory allowance”, the words “salary at the rate of one thousand and five hundred rupees and” shall be inserted ; and

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R. H. P. Extra., dated 3-4-1994, p. 577, and 581.

(iii) in sub-section (4), before the words "compensatory allowance," the words, "salary and" shall be inserted.

3. *Amendment of section 4.*—In section 4 of the principal Act—

(a) for the marginal heading, the following heading shall be substituted, namely:—

"Travelling allowance"; and

(b) for the words "one hundred," wherever these occur, the words "one hundred and fifty" shall be substituted:—

4. *Amendment of section 4-B.*—In section 4-B of the principal Act, for the words "one thousand and six hundred", the words "one thousand and nine hundred" shall be substituted.

5. *Amendment of section 4-D.*—In section 4-D of the principal Act, in sub-section (1), the following proviso shall be added at the end, namely:—

"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".

6. *Amendment of section 5.*—In section 5 of the principal Act, in the first proviso to sub-section (2), for the words "eight hundred", the words "one thousand and five hundred" shall be substituted.

7. *Insertion of section 5-A.*—After section 5 of the principal Act, the following section shall be inserted, namely:—

"5.A. *Water and electricity allowance.*—There shall be paid to each member the water and electricity allowance at the rate of three hundred rupees per mensem :

Provided that a member who is availing the facility of rent free accommodation in relation to which water and electricity charges are borne by the Central or the State Government or any Corporation owned or controlled by the Central or the State Government or any local authority, shall not be entitled to draw the water and electricity allowance".

8. *Amendment of section-6.*—In section 6 of the principal Act, for the words "twenty thousand" wherever these occur, the words "forty thousand" shall be substituted.

9. *Amendment of section 6-A.*—In section 6-A of the principal Act, for the opening words "The compensatory," the words "The salary and compensatory" shall be substituted.

10. *Amendment of section 6-B.*—In section 6-B of the principal Act, in sub-section (1), for the figure “500”, the figure “1,000” shall be substituted.

11. *Insertion of section 6-CC.*—After section 6-C of the principal Act, the following new section 6-CC shall be inserted, namely:—

“6-CC. *Telephone facilities to ex-members.*—Every ex-member, who is entitled to pension under the provisions of section 6-B, shall also on the production of actual payee’s receipt, be entitled to the reimbursement of amount of rent paid by him for the telephone installed at his permanent place of residence”.

### RULES

#### UNDER

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) ACT, 1971

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOT-  
MENTS OF ACCOMMODATION IN M.L.A. HOSTEL) RULES, 1981

#### AMENDMENT OF RULES

VIDHAN SABHA SECRETARIAT HIMACHAL PRADESH

#### NOTIFICATIONS

*Shimla-171001, the 2nd May, 1988*

No. 43/66-V.S.—In exercise of the powers conferred by section 7 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, and all other powers enabling her in this behalf, the Speaker, Himachal Pradesh Legislative Assembly, has been pleased to make following amendment in the Himachal Pradesh Legislative Assembly (Allotment of Accommodation in M.L.A. Hostel) Rules, 1981, namely:—

(1) These rules may be called the Himachal Pradesh Legislative Assembly (Allotment of Accommodation in M.L.A. Hostel) (First Amendment) Rules, 1988.

(2) These rules shall come into force with immediate effect.

2. *Rule 9, Appendix (C).*—The existing Appendix (C) be substituted as under:—

RENT CHARGEABLE OF SINGLE ROOM IN LYITON  
BLOCK, ROBERTS BLOCK, WEST COTTAGE, M.L.A. HOSTEL  
AND GUEST HOUSE M.L.A. HOSTEL, METRO POLE.

(CHECK OUT TIME BEING 12.00 NOON).

(A) All sitting Members of the Himachal Pradesh Legislative Assembly who have been allotted accommodation in long term basis at

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS)  
AMENDMENT ACT, 1995**

(ACT No 14 OF 1995)<sup>1</sup>

ARRANGEMENT OF SECTIONS

SECTIONS :

1. Short title.
2. Amendment of section 4.
3. Amendment of section 6-B.

(Received the assent of the Governor, Himachal Pradesh on the 28th November, 1995 and was published in Hindi and English in R.H.P. Extra., dated 28-11-1995, p. 4766 and 4767).

*An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-sixth Year of the Republic of India, as follows:—

**1 Short title.**—This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Amendment Act, 1995.

**2 Amendment of section 4.**—In section 4 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971) (hereinafter called the principal Act), for the words “one hundred and fifty” wherever these occur, the words “two hundred” shall be substituted.

**3 Amendment of section 6-B.**—*In section 6-B of the principal Act.*—

(a) in sub-section (1-A)—

(i) clauses (i) and (ii) shall be renumbered as clauses (ii) and (iii) and before clause (ii) so renumbered, the following clause (i) shall be inserted, namely:—

(i) if he has served for a period not exceeding one year, the sum of rupees three hundred and seventy five per mensem;”

(ii) in renumbered clause (ii), for the words “three hundred and seventy five”, the words, “seven hundred and fifty” shall be substituted;

(b) in sub-section (2), in clause (ii), the words “the Council of States or the House of the People or” shall be omitted; and

<sup>1</sup> Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons See R.H.P. Extra., dated 29-9-1995, p. 3929-3931.

(c) for sub-section (3), the following shall be substituted, namely:—

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

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY MEMBERS  
(ISSUE OF PERMITS FOR PLYING OF VEHICLES ON  
SEALED/RESTRICTED ROADS OF SHIMLA TOWN) RULES, 1994**

**AMENDMENT OF RULES**

**HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT**

**NOTIFICATION**

*Shimla-4, the 13th July, 1995*

No. 3-62/94-VS.—In exercise of the powers vested in him *vide* office order No. Home (B)(F) 6-3/83, dated 2nd April, 1994, from the Government of Himachal Pradesh the Hon'ble Speaker is pleased to amend rule 5 of the Himachal Pradesh Legislative Assembly Members (Issue of Permits for Plying of Vehicles on Sealed/Restricted Roads of Shimla Town) Rules, 1994, as under:—

Rule 5,—“The words ‘six months’ may be substituted by ‘one year’ appearing in the first line of rule 5 of the *ibid* rules”.

(R.H.P. Extra, dated 29-7-1995, p. 3162).

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY SPEAKER  
AND DEPUTY SPEAKER'S SALARIES ACT, 1971**

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY SPEAKER'S  
AND DEPUTY SPEAKER'S (ADVANCE OF LOAN FOR HOUSE  
BUILDING) RULES, 1981**

**AMENDMENT OF RULES**

(Issued and published in Hindi in R.H.P. Extra., dated 3-6-95, p. 2331).

**GENERAL ADMINISTRATION DEPARTMENT**

(Parliamentary Affairs Department)

**NOTIFICATION**

*Shimla-171002, the 19th May, 1995*

No. GAD (PA)4(D)-9/88.—In exercise of the powers conferred by section 13 read with section 7-A of the the Himachal Pradesh Legislative

**2. Amendment of section 3.**—In section 3 of the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Act, 1971 (7 of 1971),—

- (i) after clause (j), the following clause(j-a) shall be added, namely:-
- (j-a) the office of the Chairman or Vice-Chairman of any statutory or non-statutory body, where the power to make the appointment or power to remove the person from the office is vested in the State Government; and
- (ii) in clause (m), the words and sign "chairman or vice-chairman", shall be deleted.

**3. Repeal of Ordinance No. 1 of 1996.**—(1) The Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Amendment Ordinance, 1996 (1 of 1996) is hereby repealed.

(2) Notwithstanding the repeal of the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Amendment Ordinance, 1996 (1 of 1996) anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) AMENDMENT  
ACT, 1996**

**ARRANGMENT OF SECTIONS**

Sections :

- 1. Short title.
- 2. Amendment of section 4-B.
- 3. Amendment of section 5.
- 4. Amendment of section 6.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS)  
AMENDMENT ACT, 1996  
(Act No. 10 of 1996)<sup>1</sup>**

(Authoritative English Text of the Himachal Pradesh Vidhan Sabha  
(Sadasyan Ke Bhate Aur Pension) Sanshodhan Adhiniyam, 1996).

<sup>1</sup>

Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 11.3.1996, p.996 and 998.

(Received the assent the Governor on the 18th April, 1996, and was published in Hindi and English in R.H.P. Extra, dated the 20th April, 1996 at pages 1929 and 1930).

**AN ACT further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).**

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-seventh Year of the Republic of India, as follows :--

1. **Short title.**--This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Amendment Act, 1996.
2. **Amendment of section 4-B.**--In section 4-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971) (hereinafter called the principal Act), for the words "one thousand and nine hundred", the words "three thousand" shall be substituted.
3. **Amendment of section 5.**--In section 5 of the principal Act, in first proviso to sub-section (2), for the words "one thousand and five hundred", the words "three thousand" shall be substituted.
4. **Amendment of section 6.**--In section 6 of the principal Act, for the words "forty thousand", wherever these occur, the words "sixty thousand" shall be substituted.

**NOTIFICATIONS AND RULES**

Under

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS)  
ACT, 1971**

**AMENDMENT OF SCHEDULE**

(Issued and published in Hindi in R.H.P. Extra, dated 11th April, 1996, p. 1875-76).

**GENERAL ADMINISTRATION DEPARTMENT**

**(Parliamentary Affairs)**

**NOTIFICATION**

Shimla-171002, the 3rd April, 1996

**No. GAD-C(PA)4-21/94-IL**--In exercise of the powers conferred by sub-section (6) of section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members Act, 1971 (Act No.8 of 1971), the Governor



**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) AMENDMENT  
ACT, 1997**

**ARRANGEMENT OF SECTIONS**

Sections :

1. Short title.
2. Amendment of section 6-B.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) AMENDMENT  
ACT, 1997**

(Act No. 16 of 1997)<sup>1</sup>

(Received the assent of the Governor on the 7th May, 1997 and was published in Hindi and English in R.H.P. Extra dated 9.5.1997, p. 1709-1712).

**An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).**

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-eighth Year of the Republic of India, as follows :-

**1. Short title.-** This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Amendment Act, 1997.

**2. Amendment of section 6-B.-** In section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971), in sub-section (1), in the second proviso, the words "exceeding six months" shall be deleted.

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1. Passed in Hindi by the Himachal Vidhan Sabha For Statement of Objects and Reasons see R.H.P.Extra., dated 10.4.1997 pages 1260 & 1262.

AUTHORITATIVE ENGLISH TEXT  
**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
 (ALLOWANCES AND PENSION OF MEMBERS) AMENDMENT  
 ACT, 1998**

**ARRANGEMENT OF SECTIONS**

Sections:

1. Short title.
2. Amendment of section 3.
3. Amendment of section 4.
4. Amendment of section 4-B.
5. Amendment of section 5.
6. Amendment of section 5-A.
7. Amendment of section 6.
8. Amendment of section 6-B.

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**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
 (ALLOWANCES AND PENSION OF MEMBERS) AMENDMENT  
 ACT, 1998**

**(ACT NO. 17 OF 1998)<sup>1</sup>**

(Received the assent of the Governor on 21.8.1998, and was published both in Hindi and English in R.H.P. Extra., dated 24.8.1998, p. 3209-3214).

**An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).**

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-ninth Year of the Republic of India, as follows:-

**1. Short title.-** This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Amendment Act, 1998.

**2. Amendment of section 3.-** In section 3 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971(8 of 1971) (hereinafter called the principal Act), for the words "one thousand and five hundred", the words "two thousand and five hundred" shall be substituted.

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1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 30.7.1998, p. 2840 &2844.

**3. Amendment of section 4.-**In section 4-B of the principal Act, in sub-section (1), in clause (ii), for the words "two hundred", the words "two hundred and fifty" shall be substituted.

**4. Amendment of section 4-B.-** In section 4-B of the principal Act, for the words "three thousand", the words "four thousand and five hundred" shall be substituted.

**5. Amendment of section 5.-** In section 5 of the principal Act, in the first proviso to sub-section (2), for the words "three thousand", the words "four thousand" shall be substituted.

**6. Amendment of section 5-A.-** In section 5-A of the principal Act, for the words "three hundred" the words "five hundred" shall be substituted.

**7. Amendment of section 6.-** In section 6 of the principal Act, for the words "sixty thousand", wherever these occur, the words "eighty thousand" shall be substituted.

**8. Amendment of section 6-B.-** In section 6-B of the principal Act,-

(a) in sub-section (1)-

(i) for the words and figures "Rs. 1000 per mensem to every person who has served for a period of not less than 5 years whether continuous or not", the words and figures "Rs. 1,500 per mensem to every person who has served for any period upto five years" shall be substituted ;

(ii) the first proviso shall be deleted ;

(iii) in the second proviso, the word "further" shall be omitted and for the words, figures and signs "Rs. 100/- per mensem for every year in excess of five, so, however, that in no case the pension payable to such persons shall not exceed the maximum pension admissible to the highest Grade-I Officer of the State Government", the words, figures and sign "Rs. 150/- per mensem for every year in excess of five, so however, that in no case the pension payable to such person shall exceed Rs. 13,000/- per mensem " shall be substituted ;

(b) sub-section (1-A) shall be omitted.

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**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) AMENDMENT  
ACT, 1999**

(Act No. 11 of 1999)<sup>1</sup>

(Received the assent of the Governor on 10th May, 1999 and was published in Hindi and English in R.H.P. Extra, dated 11.5.99, p. 1625-1628).

**An Act further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).**

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

**1. Short title and commencement.-** (1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Amendment Act, 1999.

(2) Second proviso to clause (a) and clause (b) of section 4 and section 5 shall be deemed to have come into force on 24th day of August, 1998 and the remaining provisions of this Act, shall come into force at once.

**2. Amendment of section 4.-** In section 4 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (hereinafter called the principal Act),-

(a) in sub-section (1), in clause (ii), for the words "two hundred and fifty", the words "three hundred" shall be substituted; and

(b) in sub-section (2), for the words "two hundred", the words "three hundred" shall be substituted.

**3. Amendment of section 4-B.-** In section 4-B of the principal Act,-

(a) for the words "four thousand and five hundred", the words "five thousand and five hundred" shall be substituted; and

(b) for the words "one thousand", the words "four thousand and five hundred" shall be substituted.

**4. Amendment of section 6-B.-** In section 6-B of the principal Act,-

(a) in sub-section (1), for the existing first proviso, the following provisos shall be substituted, namely:-

"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.150/- per mensem for every year in excess of the period of first term; provided that in no case the pension payable to such persons shall not exceed Rs. 13,000/per mensem. For this purpose, the fraction of a year shall be counted as one year :

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 12.4.1999, p. 1297 & 1300.

Provided further that the Dearness Relief upto 1510 Consumer Price Index as on 1-1-1996, shall be merged in the pension including additional pension, where such pension,-

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| (a) does not exceed Rs. 1,750/- per month                          | 148% of pension.                                    |
| (b) exceeds Rs. 1,750/- but does not exceed Rs. 3,000/- per month. | 111% of pension subject to a minimum of Rs.2,590/-. |
| (c) exceeds Rs. 3,000/-  | 96% of pension subject to a minimum of Rs. 3,330/-; |

(b) in sub-section (5), for the words "of the rates specified in the schedule to this Act", the words and figures "at the rate of 50% of pension as admissible to such person subject to a minimum of Rs. 1,500/- per month(including Dearness Relief upto 1510 Consumer Price Index as on 1-1-1996)"shall be substituted; and

(c) sub-section (6)), occurring immediately before sub-section (7),shall be omitted."

5. **Deletion of Schedule.-** The SCHEDULE appended to the principal Act, shall be deleted.

## RULES

Under

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS)ACT, 1971**

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY MEMBERS  
(ADVANCE OF LOAN FOR PURCHASE OF MOTOR CAR) RULES,  
1979**

### AMENDMENT OF RULES

**HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT**

### NOTIFICATION

Shimla-171004, the 13th April, 1999

No. 3-36/91-VS.- In exercise of the powers conferred by section 7 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members)Act, 1971 (Act No. 8 of 1971), the Speaker, Himachal Pradesh Vidhan Sabha is pleased to make following rules further to amend the Himachal Pradesh Legislative Assembly Members (Advance of Loan for Purchase of Motor Car) Rules, 1979, namely:-

**1. Short title.-** (1) These rules may be called the Himachal Pradesh Legislative Assembly Members (Advance of Loan for Purchase of Motor Car) Amendment Rules, 1999.

(b) in sub-section (7), in proviso, for the words "finally decided", the word "decided" shall be substituted.

4. Amendment of section 35.- In section 35 of the principal Act, in sub-section (7), for the words "all the parties", the words "all the parties present" shall be substituted.

5. Amendment of section 37.- In section 37 of the principal Act, in sub-section (3), after the words "an original suit", the words "but it shall not include the matters pertaining to the question of title" shall be added.

6. Amendment of section 46.- In section 46 of the principal Act, after the words "to decide the same", the words "but it shall not include the matters pertaining to the question of title" shall be added.

7. Amendment of section 51.- In section 51 of the principal Act, for the words "exceed five times", the words "exceed two times" shall be substituted.

8. Amendment of section 163.- In section 163 of the principal Act,-

- (a) in sub-section (1), in clause (c), for the figure and sign "5,000/-", the figures and sign "2,000/-" shall be substituted; and
- (b) in sub-section (2), for the words "ten thousand", the words "five thousand" shall be substituted.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) AMENDMENT  
ACT, 2001, Act No. 8**

**ARRANGEMENT OF SECTIONS**

Sections:

1. Short title.
2. Amendment of section 6.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) AMENDMENT  
ACT, 2001**

(ACT NO. 9 OF 2001)

(Received the assent of the Governor on the 14th May, 2001 and was published in Hindi and English in R.H.P.Extra., dated 16.5.2001, P 435-438)

**An Act further to amend the Himachal Pradesh Legislative Assembly  
(Allowances and pension of Members) Act, 1971 (Act No.8 of 1971).**

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 12.4.2001, P. 73 & 77.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-second Year of the Republic of India, as follow:-

1. **Short title.**- This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Amendment Act, 2001.

2. **Amendment of section 6.**-In section 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971),-

(a) for sub-section (1), the following shall be substituted, namely:-

"(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 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 eighty thousand kilometres journey performed by second class air conditioned railway coach :

Provided further that the 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 by the Member and his spouse 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 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 in a financial year shall not exceed the amount payable for eighty thousand kilometres by second class air conditioned railway coach.

(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 on 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 the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's 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 of fare and passenger tax thereon by any public service vehicle of the Himachal Road Transport Corporation."; and

(b) in sub-section (2) the words "coupon books and the" shall be deleted.

## RULES AND NOTIFICATIONS

Under

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) ACT, 1971**

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) RULES, 1971**

### AMENDMENT OF RULES

**HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT**

### NOTIFICATION

Shimla-4, the 3rd August, 2001.

**No. 3-73/83-VS.-** In exercise of the powers vested in him under section-7 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971), the Speaker Himachal Pradesh Vidhan Sabha, is pleased to make rules in order to carry out the following amendment in rule 3 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Rules, 1971, namely:-

**1. Short title and Commencement.-** (1) These rules may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (1st Amendment) Rules, 2001.

(2) These rules shall come into force at once.

**2. Amendment of rule 3 (2) and note 5.-** (3) The words "Rupees four and paise fifty." wherever occur be read as "Rupees five."