



The Himachal Pradesh Legislators (Modification of Allowances and other Amenities) Act, 1979

Act 9 of 1979

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**THE HIMACHAL PRADESH LEGISLATORS (MODIFICATION OF
ALLOWANCES AND OTHER AMENITIES) ACT, 1979**

ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Amendment of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971.
3. Amendment of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971.
4. Amendment of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971.

**THE HIMACHAL PRADESH LEGISLATORS (MODIFICATION OF
ALLOWANCES AND OTHER AMENITIES) ACT, 1979**

(Act No. 9 of 1979)¹

(Received the assent of the Governor, Himachal Pradesh on the 9th May, 1979, and was published in R.H.P. Extra, dated the 16th May, 1979 at pages 1749-1751).

An Act to amend the laws relating to the grant of allowances and other amenities to the Ministers, Speaker, Deputy Speaker and other members of the State Legislature.

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

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Legislators (Modification of Allowances and Other Amenities) Act, 1979.

(2) It shall come into force at once.

2. Amendment of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971.—In the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971 (4 of 1971),—

(a) after the existing section 5, the following section 5-A along with its heading shall be inserted, namely:—

5-A. Free transit by railway.—Each Minister shall be provided with two free non-transferable first class passes, valid during the term of his office, which shall entitle him and his spouse or any other person accompanying him to look after and assist him to travel at any time by any railway in India; provided the aggregate distance so travelled in any financial year on these passes does not exceed twenty thousand kilometres:

Provided that if the journey is performed by an air-conditioned railway coach or by air he shall be paid an amount equivalent

5. For Statement of Objects and Reasons see R.H.P. Extra, dt. 21-4-1979 p. 1547

to one first class fare for such journey and if he is accompanied by his spouse or any other person to look after and assist him he shall be paid an amount equivalent to two firstclass fares, for such journey.”;

- (b) after the existing section 7, the following section 7-A along with its heading shall be inserted, namely:—

“7-A. *House building advance.*—In case a Minister does not avail himself of the facility of motor car advance as provided in section 7, he may be paid by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for the construction of a house or for the purchase of a built-up house.”; and

- (c) in the existing proviso to sub-section (1) of section 8, for the words “fifty rupees” the words, “three hundred rupees” shall be substituted.

3. **Amendment of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971.**—In the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971 (4 of 1971),—

- (a) after the existing section 7, the following section 7-A along with its heading shall be inserted, namely:—

“7-A. *House building advance.*—In case the Speaker or the Deputy Speaker does not avail himself of the facility of motor-car advance as provided in section 7, he may be paid by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for the construction of a house or for the purchase of a built-up house.”;

- (b) in the existing proviso to sub-section (1) of section 8, for the words “fifty rupees”, the words “three hundred rupees” shall be substituted; and

- (c) after the existing section 10, the following section 10-A along with its heading shall be inserted, namely:—

“10-A. *Free transit by railway.*—The Speaker and the Deputy Speaker shall each be provided with two free non-transferable first class passes, valid during the term of their office, which shall entitle each as well as his spouse or any other person accompanying him to look after and assist him to travel at any time by any railway in India; provided the aggregate distance so travelled in any financial year on the passes provided to each does not exceed twenty thousand kilometres:

Provided that if the journey is performed by an air-conditioned railway coach or by air he shall be paid an amount equivalent to one first-class fare for such journey and if he is accompanied by his spouse or any other person to look after and assist him, he shall be paid an amount equivalent to two first-class fares for such journey.”

4. Amendment of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971.—In the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971),—

- (a) for the existing section 4-B, the following section 4-B along with its heading shall be substituted, namely:—

“4-B. *Constituency, secretarial and postal facilities allowance.*—There shall also be paid to each member a constituency, secretarial and postal facilities allowance at the rate of three hundred rupees per mensem.”;

- (b) after section 4-B, so amended, the following section 4-C and 4-D along with their headings shall be inserted, namely:—

“4-C. *Advance of loan to members for purchase of motor-car.*—There may be paid to each member by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for the purchase of motor-car, so that he may be able to discharge conveniently and efficiently the duties of his office as member.

“4-D. *House building advance.*—In case a member does not avail himself of the facility of motor-car advance as provided in section 4-C, he may be paid by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for the construction of a house or for the purchase of a built-up house.”;

- (c) for the sign “.” occurring at the end of sub-section (2) of section 5, the sign “.” shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that a member who instals a telephone under this sub-section, shall also be paid telephone allowance at the rate of three hundred rupees per mensem:

Provided further that if a member does not instal a telephone at any place within his constituency or at his permanent place of residence or at Simla, he shall be paid telephone allowance at the rate of one hundred rupees per mensem.”;

- (d) in sub-section (1) of section 6—

(i) in the third proviso to clause (a) for the word “sixteen”, the word “twenty” shall be substituted; and

(ii) in clause (b) for the words “the Himachal Pradesh Government Transport or the Mandi-Kulu Road Transport Corporation”, the words “the Himachal Road Transport Corporation” shall be substituted; and

- (e) after existing section 6-C, the following new section 6-D along with its heading shall be inserted, namely:—

“6-D. *Recovery of Government dues from compensatory allowance or pension.*—(1) If any person to whom compensatory allowance is admissible under this Act has been a member during any period earlier to his existing term and has not paid to the State Government any amount payable by him on account

of any advance, any residential accommodation or any other facility of whatever nature provided to him by the State Government during such earlier period in his capacity as Minister, Speaker, Deputy Minister, Deputy Speaker, Chief Parliamentary Secretary, Parliamentary Secretary or member, the above referred amount due from him may be recovered from his compensatory allowance.

- (2) If any person, to whom pension, is admissible under this Act, has not paid to the State Government any amount payable by him on account of any advance, any residential accommodation or any other facility of whatever nature provided to him, by the State Government in his capacity as Minister, Speaker Deputy Minister, Deputy Speaker, Chief Parliamentary Secretary, Parliamentary Secretary or member, the above referred amount due from him may be recovered from his pension."

THE HIMACHAL PRADESH LEGISLATORS (MODIFICATIONS OF ALLOWANCES AND OTHER AMENITIES) ACT, 1983

(Act No. 16 of 1973)¹

ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Amendment of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971.
3. Amendment of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971.
4. Amendment of the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971.
5. Amendment of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971.

(Received the assent of the Governor of Himachal Pradesh on 19-9-1983 and was published in R.H.P. Extra., dated 22-9-1983, P.1045-1049)

An Act to amend the laws relating to the grant of allowances and other amenities to the Ministers, Speaker, Deputy Speaker, Deputy Ministers and Members of the State Legislature.

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

1. *Short title and commencement.*—(1) This Act may be called the Himachal Pradesh Legislators (Modifications of Allowances and other Amenities) Act, 1983.

(2) It shall come into force with effect from the 1st day of September, 1983.

2. *Amendment of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971.*—In the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971 (3 of 1971),—

(a) for the existing section 5-A, the following new section 5-A, along with its heading, shall be substituted, namely :—

“5-A. *Free transit by railway or by air.*—Each Minister during the term of his office shall be provided with coupon books which shall entitle him and his spouse or any other person accompanying to look after and assist him to travel by first class at any time by any railway in India as per current coaching tariff issued by the Government of India, Ministry of Railways (Railway Board); provided the

¹ For statement of Objects and Reasons See RHP Extra., dated 24-8-1983, P. 830.

aggregate distance so travelled in any financial year does not exceed twenty thousand kilometres:

Provided that the Minister and his spouse or any other person accompanying him to look after and assist him may travel by air conditioned railway coach against the coupons to which he is so entitled:

Provided further that if the journey is performed by him by air, he shall be paid an amount equivalent to one first class fare for such journey and if he is accompanied by his spouse or any other person to look after and assist him, he shall be paid an amount equivalent to two first class fares for such journey :

Provided further that the aggregate amount payable either against the coupons or journey performed by air in a financial year does not exceed the amount payable for twenty thousand kilometres by first class railway ticket.

Explanation.—For determining the aggregate distance under this section, the distance travelled in any financial year by railway or air under section 10-A of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971 (4 of 1971), or under section 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971), or under section 6-A of the Salaries and Allowances of Deputy Minister (Himachal Pradesh) Act, 1971 (5 of 1971), shall be taken into account.”;

- (b) for the existing words, figure and sign “In case a Minister does not avail himself of the facility of motor car advance as provided in section 7, he may be paid” occurring in section 7-A, the words “There may be paid to a Minister” shall be substituted ; and
- (c) for the words and sign “three hundred rupees.” occurring at the end of the first proviso to sub-section (1) of section 8, the words and sign “four hundred rupees:” shall be substituted and after the first proviso so amended, the following new second proviso shall be inserted, namely:—

“Provided further that a Minister may continue to avail himself of the facility of telephone provided to him for a period not exceeding 15 days from the date of his ceasing to be a Minister.”

3. Amendment of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971.—In the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971 (4 of 1971).—

- (a) for the existing words, figure and sign “In case the Speaker or the Deputy Speaker does not avail himself of the facility of motor

car advance as provided in section 7, he may be paid" occurring in section 7-A, the words "There may be paid to the Speaker or the Deputy Speaker" shall be substituted ;

- (b) for the words and sign "three hundred rupees," occurring at the end of the first proviso to sub-section (1) of section 8 the words and sign "four hundred rupees:" shall be substituted and after the first proviso so amended, the following new second proviso shall be inserted, namely:—

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

- (c) for the existing section 10-A, the following new section 10-A, along with its heading, shall be substituted, namely:—

"10-A. *Free transit by railway or by air.*—The Speaker and the Deputy Speaker during the term of their office shall each be provided with coupon books which shall entitle him and his spouse or any other person accompanying him to look after and assist him to travel by first class at any time by any railway in India as per current coaching tariff issued by the Government of India, Ministry of Railways (Railway Board); provided the aggregate distance so travelled in any financial year does not exceed twenty thousand kilometres :

Provided that the Speaker or the Deputy Speaker, as the case may be, and his spouse or any other person accompanying him to look after and assist him may travel by air conditioned railway coach against the coupons to which he is so entitled :

Provided further that if the journey is performed by him by air he shall be paid an amount equivalent to one first class fare for such journey and if he is accompanied by his spouse or any other person to look after and assist him, he shall be paid an amount equivalent to two first class fares for such journey :

Provided further that the aggregate amount payable either against the coupons or journey performed by air in a financial year does not exceed the amount payable for twenty thousand kilometres by first class railway ticket.

Explanation.—For determining the aggregate distance under this section, the distance travelled in any financial year by availing of the facility for free transit by railway or air under section 5-A of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971, (3 of 1971) or under sub-section (1) of section 6 of the Himachal Pradesh Legislative Assembly

(Allowances and Pension of Members) Act, 1971 (8 of 1971), or under section 6-A of the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971 (5 of 1971), shall be taken into account."

4. *Amendment of the Salaries and Allowances of Deputy Ministers (Himachal Pradesh Act), 1971.*—In the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971 (5 of 1971),—

(1) for the existing section 6-A the following new section 6-A, along with its heading, shall be substituted, namely:—

"6-A. *Free transit by railway or by air.*—Each Deputy Minister during the term of his office shall be provided with coupon books which shall entitle him and his spouse or any other person accompanying him to look after and assist him to travel by first class at any time by any railway in India as per current coaching tariff issued by the Government of India, Ministry of Railways (Railway Board) ; provided the aggregate distance so travelled in any financial year does not exceed twenty thousand kilometres:

Provided that the Deputy Minister and his spouse or any other person accompanying him to look after and assist him may travel by air conditioned railway coach against the coupons to which he is so entitled :

Provided further that if the journey is performed by him by air, he shall be paid an amount equivalent to one first class fare for such journey and if he is accompanied by his spouse or any other person to look after and assist him, he shall be paid an amount equivalent to two first class fares for such journey :

Provided further that the aggregate amount payable either against the coupons or journey performed by air in a financial year does not exceed the amount payable for twenty thousand kilometres by first class railway ticket.

Explanation.—For determining the aggregate distance under this section, the distance travelled in any financial year by railway or air under section 5-A of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971 (3 of 1971), or under section 10-A of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971 (4 of 1971), or under section 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971), shall be taken into account."

(b) for the existing words, figure and sign "In case a Deputy Minister does not avail himself of the facility of motor car advance as provided in section 8, he may be paid" occurring in section 8-A, the words "There may be paid to a Deputy Minister" shall be substituted ; and

- (c) for the words and sign "three hundred rupees" occurring at the end of the first proviso to sub-section (1) of section 9, the words and sign "four hundred rupees:" shall be substituted and after the first proviso so amended, the following new second proviso shall be inserted, namely:—

"Provided further that a Deputy Minister may continue to avail himself of the facility of telephone provided to him for a period not exceeding 15 days from the date of his ceasing to be a Deputy Minister."

5. *Amendment of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971.*—In the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971),—

- (a) for the word "forty-five" occurring in clause (ii) of sub-section (1) of section 4, the word "fifty-one" shall be substituted ;
- (b) for the existing word "three" occurring in section 4-B, the word "five" shall be substituted ;
- (c) for the existing words, letter, figure and signs "In case a member does not avail himself of the facility of motor car advance as provided in section 4-C, he may be paid" occurring in section 4-D, the words "There may be paid to a member" shall be substituted ;
- (d) in sub-section (2) of section 5—
- (i) for the word "three" occurring in the first proviso, the word "four" shall be substituted ; and
- (ii) for the words "one hundred" occurring in the second proviso, the words "one hundred and fifty" shall be substituted ; and
- (e) for the existing section 6, the following new section-6, along with its heading, shall be substituted, namely:—

"6. *Free transit by railway or by air or by State Transport Undertaking.*—(1) Every member shall be provided with,—

- (a) coupon books which shall entitle him and his spouse or any other person accompanying him to look after and assist him to travel by first class at any time by any railway in India as per current coaching tariff issued by the Government of India, Ministry of Railways (Railway Board) ; provided the aggregate distance so travelled in any financial year does not exceed twenty thousand kilometres :

Provided that the member and his spouse or any other person accompanying him to look after and assist him may travel by air conditioned railway coach against the coupons to which he is so entitled :

Provided further that if the journey is performed by him by air, he shall be paid an amount equivalent to one first class fare for such journey :

Provided further that he shall not be entitled to perform more than two return journeys by air in any financial year :

Provided further that the aggregate amount payable either against the coupons of journey performed by air in a financial year does not exceed the amount payable for twenty thousand kilometres by first class railway ticket.

Explanation.—For determining the aggregate distance under this section, the distance travelled in any financial year by railway or air under section 5-A of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971 (3 of 1971), or under section 10-A of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971 (4 of 1971), or under section 6-A of the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971 (5 of 1971), shall be taken into account ; and

(h) 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.

(2) The coupon books and the free passes issued to a member under sub-section (1) shall be valid for the term of his office and on the expiration of such term these shall be surrendered by him to the Secretary of the Himachal Pradesh Legislative Assembly.

(3) Nothing in this section shall be construed as disentitling a member to any travelling allowance to which he is otherwise entitled under the provisions of this Act or rules made thereunder ; and

(f) for the sign “.” occurring at the end of section 6-C, the sign “:” shall be substituted and thereafter the following proviso shall be inserted, namely :—

“Provided that a person who is not entitled to pension under this section either by virtue of the provisions contained in sub-section (3) of Section 6-B or because he has served for a period less than five years, shall be entitled to the aforesaid medical facilities.”.