

AUTHORITATIVE ENGLISH TEXT

BILL NO. 15 OF 2019

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
(ALLOWANCES AND PENSION OF MEMBERS)
AMENDMENT BILL, 2019**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
(ALLOWANCES AND PENSION OF MEMBERS)
AMENDMENT BILL, 2019**

ARRANGEMENT OF CLAUSES

Clauses:

1. Short title.
2. Substitution of section 6 .
3. Substitution of section 6-A.

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
(ALLOWANCES AND PENSION OF MEMBERS)
AMENDMENT BILL, 2019

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

*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 Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Himachal Pradesh Legislative Short title:
Assembly (Allowances and Pension of Members) Amendment Act, 2019.

5 2. For section 6 of the Himachal Pradesh Legislative Assembly Amendment
(Allowances and Pension of Members) Act, 1971 (hereinafter referred to of section 6.
as the "principal Act"), the following shall be substituted, namely:—

10 **"6. Free transit by railway or by air or by State Transport
Undertaking or by taxi.**-(1) Each member during the term of his
office shall be entitled to travel at any time, by railway or by air or
by State Transport Undertaking by any class within or outside the
Country or by taxi outside the State and within the Country alongwith
15 his family 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 or bills of such journey
performed, subject to maximum amount of four lac rupees in each
financial year:

20 Provided that the member while on official tour shall also be
entitled for the reimbursement of actual expenses so incurred by his
family or any other person accompanying him to look after and

assist him during travel by air or by rail or by public transport or by taxi on production of tickets or bills for such journey performed:

Provided further that the expenses on journey by taxi shall not be more than ten percent of the maximum amount of four lac rupees:

Provided further that the aggregate amount payable for the journey performed by railway or by air or by public transport or by taxi in a financial year shall not exceed four lac rupees.

Explanation.—For the purpose of this sub-section, expression “family” shall mean the spouse, their unmarried son(s) and daughter(s) including unmarried adopted son and daughter.

(2) Each member shall be entitled for an advance not exceeding rupees twenty five 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 by journey performed by railway or by air or by taxi 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.

(3) 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 during travel at any time without payment or fare and passenger tax thereon by any public service vehicle of the Himachal Road Transport Corporation.

(4) The free passes issued to a member under sub-section (1) shall be valid for the terms 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.

(5) Nothing in this section shall be construed as disentitling a member to any travelling allowances to which he is otherwise entitled under the provisions of this Act or rules made thereunder."

5 3. For section 6-A of the principal Act, the following shall be substituted, namely:—

Substitution
of section 6-
A.

10 "6-A. Free transit facility by railway or by air or by State Transport Undertaking or by taxi to ex-members.—An ex-member shall be entitled to travel at any time by railway or by air or by State Transport Undertaking by any class within India or by taxi outside the State and within the Country 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 or bills of such journey performed, subject to maximum amount of two lac rupees in each financial year:

15 Provided that the expenses on journey by taxi shall not be more than ten percent of maximum amount of two lac rupees:

20 Provided further that the aggregate amount payable for the journey performed by railway or by air or by State Transport Undertaking or by taxi in a financial year shall not exceed two lac rupees."

Authenticated



Chief Minister
Himachal Pradesh

STATEMENT OF OBJECTS AND REASONS

Due to sharp increase in the travel expenses which the Hon'ble Members of the State Legislative Assembly as a public representatives has to incur on account of various demands of the public life, there has arisen a need to revise their free travelling allowance alongwith making provisions of taxi outside the State and within the Country. Increase in the travel expenses has also been recommended by the Vidhan Sabha Members Amenities Committee. As such, it has been decided to accept the recommendations of the Members Amenities Committee with respect to enhancement of the existing limit for reimbursement of expenses incurred on account of free transit facility from rupees two lac fifty thousand to rupees four lac to the Member(s) of Legislative Assembly. In case of ex-members, now the limit for reimbursement of expenses incurred on account of free transit facility shall be rupees two lac instead of rupees one lac twenty five thousand. This has necessitated amendments in the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971.

This Bill seeks to achieve the aforesaid objectives.

(JAI RAM THAKUR)

Chief Minister.

SHIMLA:

THE , 2019.

Authenticated



**Chief Minister
Himachal Pradesh**

FINANCIAL MEMORANDUM

Clauses 2 and 3 of the Bill, when enacted, will entail additional recurring expenditure out of the State Exchequer to the tune of Rs. 1.99 crore per annum approximately.

MEMORANDUM REGARDING DELEGATED LEGISLATION

—Nil—

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

(File No. GAD-C-D (6)-1/2019)

The Governor of Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Amendment Bill, 2019, recommends, under article 207 of the Constitution of India, the introduction and consideration of the Bill in the State Legislative Assembly.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES
AND PENSION OF MEMBERS) BILL, 2019**

A

BILL

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

(JAI RAM THAKUR)

Chief Minister.

(YASHWANT SINGH CHOGAL)

Pr. Secretary (Law).

SHIMLA:

THE....., 2019.

Authenticated



Chief Minister
Himachal Pradesh

EXTRACT OF THE PROVISIONS OF THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) ACT, 1971 (ACT NO. 8 OF 1971) LIKELY TO BE AFFECTED BY THIS AMENDMENT BILL

Sections:

6. Free transit by railway or by air or by State Transport undertaking.—(1) Each Member during the term of his office shall be entitled to travel at any time by any railway or by air or by State Transport Undertaking by any class within or outside the country along with his family 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, subject to maximum of two lac fifty thousand rupees in each financial year:

Provided that the member while on official tour shall also be entitled for the reimbursement of actual expenses so incurred by his family or any other person accompanying him to look after and assist him during travel by air or by rail or by public transport on production of tickets for such journey performed:

Provided further that the aggregate amount payable for the journey performed by railway or by air or by public transport in a financial year shall not exceed two lac fifty thousand rupees.

Explanation.—For the purpose of this sub section, expression “family” shall mean the spouse, their unmarried son(s) and daughter(s) including unmarried adopted son and daughter.

(1-A) Each Member shall be entitled for an advance not exceeding rupees twenty five 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 by 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 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 or fare and passenger tax thereon by any public service vehicle of the Himachal Road Transport Corporation.

(2) The free passes issued to a member under sub-section (1) shall be valid for the terms 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 allowances to which he otherwise entitled under the provisions of this Act or rules made there under.

6-A. Free transit facility by railway or by air or by State Transport Undertaking to ex-members.- Each ex-member shall be entitled to travel at any time by railway or by air or by State Transport Undertaking by any class within India 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, subject to maximum of one lac twenty five thousand rupees in each financial year:

Provided that the aggregate amount payable for the journey performed by railway or by air or by State Transport Undertaking in a financial year shall not exceed one lac twenty five thousand rupees.