

CHAPTER VI

15. * THE PUNJAB LEGISLATIVE ASSEMBLY ¹["(SALARIES AND ALLOWANCES OF MEMBERS)"] ACT, 1942

ACT IV OF 1942

an

ACT

to provide for ²[Salaries and allowances] of the Speaker and certain Members of the Punjab Legislative Assembly.

It is hereby enacted as follows:—

Short Title
and
commence-
ment.

1. (1) This Act may be called the Punjab Legislative Assembly ³[Salary and allowances of Members] Act, 1942.

(2) It shall come into force on such date as the State Government may, by notification, direct.

Definitions.

2. . In this Act, unless there is anything repugnant in the subject or context—

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

(b) "Committee" means a Select Committee or other Committee of the Assembly and includes a joint Committee of the Assembly and the Punjab Legislative Council and any Committee appointed by the State Government for a purpose connected with the business of the Government;

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

(c) "Member" means a member of the Assembly other than a Minister ⁴[or the Leader of the Opposition as defined in the Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978]; or the Speaker or the Deputy Speaker;

(d) "Meeting" means a meeting of the Assembly or of a committee thereof;

*Received the assent of His Excellency the Governor on 10th March, 1942 and Published in Government Gazette (Extraordinary), Punjab, of the 16th March, 1942.

¹Title of the Act amended vide Punjab Act No. 3 of 2003 w.e.f. 23-4-2003.

²Amendment of preamble vide Punjab Act No. 3 of 2003 w.e.f. 23-4-2003.

³Amended vide Punjab Act No. 3 of 2003 w.e.f. 23-4-2003.

⁴Inserted,— vide Act No. 12 of 1978(Published in Extraordinary Gazette of 18th September, 1978).

¹[(dd) ‘new member’ means a member who takes his seat in the Assembly after the Commencement of the Punjab Legislative Assembly (Allowances of Members) Second Amendment Act, 1986, and includes a member who is re-elected];”

(e) “prescribed” means prescribed by rules made under this Act; and

(f) “Speaker” means the Speaker of the Assembly.

²["2-A. There shall be paid to each member a salary at the rate of four thousand rupees per mensem in addition to the other allowances as admissible to him"]. Salaries of Members.

3. (1) Subject to the conditions hereinafter contained there shall be paid to each member a compensatory allowance at the rate of ³[("five thousand rupees per mensem")] during the whole of his term of office. Compensatory Allowance.

Explanation.— In this sub-section, the expression “term of office” means,—

(a) in relation to a person who is a member at the commencement of the Punjab Legislative Assembly (Allowances of Members) Second Amendment Act, 1986, the period beginning with the 29th day of September, 1985 and ending with the date on which his seat becomes vacant;

(b) in relation to a new member,—

(i) where such new member is a member of the Assembly elected in general election held for the purpose of constituting a new Assembly, the period beginning with the date of publication of the notification of the Election Commission under section 73 of the Representation of the People Act, 1951; or

¹Inserted,— vide Punjab Act No. 20 of 1986 w.e.f. 29th September, 1985.

²Inserted,— vide Punjab Act No. 3 of 2003 w.e.f. 23-4-2003.

³Words “five thousand rupees” were substituted for “two thousand and five hundred rupees” by Punjab Act No. 3 of 2004 w.e.f. 23rd April, 2004.

(ii) where such new member is a member of the Assembly elected in a bye-election to that Assembly, the period beginning with the date of his election referred to in Section 67-A of the said Act, and ending, with the date on which his seat becomes vacant.

(2) If a member—

(a) fails to attend at least ninety per centum of the total number of meetings held in any month ;or

(b) elected during the course of a month fails to attend at least ninety per centum of the total number of meetings held in that month subsequent to the date on which he takes his oath,

he shall not for that month be paid any compensatory allowance other than an allowance at the rate of twenty rupees for every meeting actually attended by him as such member unless he satisfies the Secretary of the Assembly that he was prevented by reason of ill-health or any other sufficient cause from attending the required number of meetings:

Provided that no member who draws the compensatory allowance prescribed in this sub-section shall receive a sum greater than ninety per centum of the amount that would be due to him in any one month under sub-section (1) had he attended the requisite number of meetings.

(3) where, in any month there have been no meetings, the member shall be paid the full compensatory allowance for such month.

¹[(4) Notwithstanding anything hereinbefore contained, a member detained under any law for the time being in force shall be paid full compensatory allowance in respect of the period during which he is so detained.]

¹Substituted for sub section (4),— vide Act No. 4 of 1977 w.e.f. 17th March, 1977.

¹["3-A. There shall also be paid to each member—

Constituency,
Secretarial
and Postal
facilities
allowance.

- (a) a constituency, secretarial and Postal facilities allowance at the rate of eight thousand rupees per mensem;
- (b) an office allowance at the rate of five thousand rupees per mensem; and
- (c) a sumptuary allowance at the rate of two thousand rupees per mensem.”]

²[(3-AA) The salaries and allowance; payable to the members under this Act, shall be exclusive of the income tax, payable in respect thereof under any law relating to income tax for the time being in force, and such tax shall be paid by the State Government.”]

³[(“3-B. If any person to whom any amount is admissible under this Act, has not paid to the State Government any amount payable by him on account of any residential accommodation or any other facility of whatever nature provided to him by the State Government in his capacity as a Minister, Leader of the Opposition as defined in the Salary and Allowances of ⁴[Leader of Opposition in Legislative Assembly Act, 1978] Speaker, Deputy Minister, Deputy Speaker, Chief Parliamentary Secretary, Parliamentary Secretary or Member, the amount so due from him, may be recovered from the amount admissible to him under this Act and if no amount is admissible or the amount so admissible is insufficient, in that case, the amount so due, shall be recovered as arrears of land revenue”).]

¹Substituted,—vide Punjab Act No. 3 of 2003 w.e.f. 23rd April, 2003.

²Inserted,—vide Punjab Act No. 1 of 2004 w.e.f. 25th March, 2004.

³Substituted,—vide Punjab Act No.5 of 1993 w.e.f. 6th April, 1993.

⁴Inserted,— vide Punjab Act No. 30 of 1981 w.e.f. 6th October, 1981.

4. (1) Subject to such conditions and limitations as may be imposed by rules made under this Act, there shall be paid—

- (a) to the Speaker and the Deputy Speaker such travelling and halting allowances as may be prescribed; and
- (b) to each member—
 - (i) such travelling allowance as may be prescribed;
 - (ii) a halting allowance at the rate of ¹[("five hundred rupees")] per day for each day of attendance at a meeting of the Assembly or the Committee ²[and for each day of journey undertaken by him from the usual place of his residence for attending such a meeting and for return journey and for journeys undertaken to attend such meetings as per tour programme approved by the Speaker and for journeys undertaken under the orders of the Speaker for any other business connected with his duties as a member]:

Provided that a member who does not wish to draw the halting allowance at the above rate may draw it at the rate admissible immediately before the first day of April, 1970:

Provided further that if a member has been ordered to absent himself from a meeting or meetings of the Assembly under the Rule of Procedure and Conduct of Business in the Punjab Legislative Assembly for the time being in force, he shall not be entitled to get allowance for such period of absence:

¹Substituted vide Punjab Act No. 3 of 2003 w.e.f. 23rd April, 2003.

²Inserted,— vide Act No. 14 Of 1981 w.e.f. 19th March, 1981.

Provided that where a member while on tour outside the State of Punjab and Union Territory of Chandigarh has to stay in a hotel or tourist bungalow run on commercial lines, he shall be reimbursed the actual hotel or tourist bungalow expenses subject to the maximum of ¹[as admissible to a Class-I officer.]

²[(iii)]

Explanation.— A break of ³[less than four days] between two successive meetings of the Assembly or Committee shall be deemed to be a day or days of attendance for a member who does not leave the place of the meeting during such break :

Provided that nothing in this section shall entitle the Speaker or Deputy Speaker to any travelling or halting allowance or any member to travelling or halting allowance if such person ordinarily resides or carries on business at any place within five miles of the place at which his attendance is required in connection with his duties as required in connection with his duties as Speaker or Deputy Speaker or as Member as the case may be.

⁴[(2) Nothing in sub-section (1) shall debar a member from claiming halting allowance under that sub-section for the day of the meeting merely on the ground that the meeting was adjourned for want of quorum or the meeting was cancelled for any reason whatsoever and the member came to know of such cancellation after arriving at the place of the meeting].

⁵[4-A. (1) A member shall be entitled to such residential accommodation on concessional rates at the place of sitting of the Assembly as may be prescribed by rule under section 5].

¹Amended,— vide Punjab Act No.3 of 2003 w.e.f. 23rd April, 2003.

²Omitted,— vide Punjab Act no. 14 of 1981 (with effect from 19th March, 1981).

³Substituted for the words “not more than two days”,—vide Punjab Act No. 28 of 1959 (with effect from 21st July, 1959).

⁴Inserted,— vide Punjab Act 30 of 1976 (with effect from 27th September, 1976).

⁵Section 4-A(1) was inserted,— vide Punjab Act 6 of 1970 with effect from 11th August, 1970).

¹[(2) Every member shall be entitled to have a telephone installed at any place within his Constituency or at his place of residence or at Chandigarh and all charges in respect of installation and security deposit shall be paid by the member himself and the amount so paid shall be reimbursed to the member, by the Government on production of receipts obtained from the Posts and Telegraph Department;

(3) The charges in respect of rental, local and outside calls made by a member from one or more telephones installed in his name within the State of Punjab and the Union Territory of Chandigarh shall be paid initially by the member himself and the amount so paid shall also be reimbursed to the member by the Government on production of receipts obtained from the Posts and Telegraph Department;]

Provided that the reimbursement of charges referred to in sub-section (2) and (3) shall not exceed ²[one lac twenty thousand rupees] per annum.

4-B. ³(1) Every member alongwith his spouse and his dependent children accompanying either of them and an attendant accompanying him to look after and assist him shall, during the course of a financial year, be entitled to travel by any railway in India or within or ⁴[outside] India by an air-conditioned coach or by air and an amount equivalent to the expenses incurred on such journey, shall be reimbursed to the member :

Provided that where a member travels by his own motor car and furnishes a cash receipt from a licensed dealer indicating the name of the member, quantity of petrol or diesel purchased by him for propulsion of his motor-car, the date on which it was purchased, the cost thereof and the registration number of his motor-car, the expenses so incurred shall be reimbursed to him :

¹New Sub-section (2) and (3) were substituted for sub-section (2) of Section 4-A,—vide Punjab Act No.20 of 1995. (with effect from 14th November, 1995).

²Substituted, — vide Punjab Act No. 3 of 2003 w.e.f. 23rd April, 2003.

³Substituted,— vide Punjab Act No. 11 of 1979 (with effect from 13th May, 1979)

⁴Inserted,— vide Punjab Act No.11 of 1986 (with effect from 29th September, 1985).

Provided further that the total expenses incurred for the facilities specified in this section shall not exceed the amount of ¹[one lac twenty five thousand rupees] in a financial year.

(1-B) ²“Every Member shall also be entitled to two free non-transferable passes entitling him and his spouse or attendant accompanying him to look after or assist him to travel without payment of fare and passenger tax by any public service vehicle of the Punjab Roadways or of the Pepsu Road Transport Corporation,”]; and

(2) ³The free passes issued to a member under sub-section (1-B) shall be valid for the term of his office and on the expiry of such term, these shall be surrendered by him to the Secretary of the Punjab 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 the Rules made there under.

⁴“4-BB. Every member shall be paid water and electricity allowances at the rate of one thousand rupees per mensem.”]

4-C. (1) ⁵[Subject to such conditions and limitations as may be prescribed, there may be paid to each member by way of a repayable advance—

(a) A sum of money not exceeding ⁶[ten lac rupees] for building or purchasing a house; and

¹Substituted,—vide Punjab Act No. 20 of 1995. Words “Fifty thousand” were substituted for words “Forty thousand” (with effect from 14th November, 1995) and further substituted vide Punjab Act No. 3 of 2003 w.e.f. 23rd April, 2003.

²Substituted,—vide Punjab Act No. 11 of 1979 (with effect from 18th May, 1979).

³For the words, sign, and figure “Sub-section (1)” were substituted by the words, sign, figure and letter “Sub-section (1-B)” added by Punjab Act No. 5 of 1992 (with effect from 29th July, 1992).

⁴Inserted,— vide Punjab Act No. 3 of 2003 w.e.f. 23rd April, 2003.

⁵Added,—vide Punjab Act No. 11 of 1979 (with effect from 18th May, 1979).

⁶(i) Words “ten lac rupees” were substituted for words “six lac rupees” by Punjab Act No. 3 of 2003 (with effect from 23rd April, 2003).

- (b) a sum of money not exceeding ¹[six lac rupees] or the anticipated price, whichever be less, for purchase of a Motor-car or a Jeep or for conversion of a Petrol driven Motor-car or a Jeep to a diesel driven vehicle, or a sum of money not exceeding twenty five thousand rupees or the anticipated price, which ever be less, for purchase of Motor Cycle or a Scooter.

²[1-A. A member may be paid second repayable advance for the purchase of a Motor-Car, if he has repaid the entire previous advance, subject to the conditions specified in the sub-section (1)].

(2) On the acceptance of an application for an advance, the member shall execute a deed in the prescribed form, undertaking to use the advance for the purpose for which, and to fulfill the conditions on which, the advance is sanctioned, rendering himself and such property as may have been specified in the deed as security, including the house purchased for built with the aid of the advance liable for the repayment of the loan and interest due thereon:

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

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

³["(3-A) Where a member having obtained an advance under sub-section (i) and (1-A) dies during his term as such member, 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 alongwith interest thereon shall be written off with the sanction of the prescribed authority."]

¹Words "six lac rupees" were substituted for the words "three lac rupees" by Punjab Act No.3 of 2003 (with effect from 23rd April,2003).

²[Inserted,—vide Punjab Act No.11 of 1986 (with effect from 29th September, 1985) 1(1)substituted by Punjab Act No.21 of 1998 (with effect from 27th July,1998).

³Inserted,— vide Punjab Act No.11 of 1983 (with effect from 9th May,1983).

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

5. (1) The ¹[Speaker] may make rules for carrying out the purposes of this Act.

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

- (a) Any matter which is required by this Act to be prescribed;
- (b) The rates on and circumstances under which travelling and halting allowances may be drawn and the circumstances under which such allowances may be withheld;
- (c) The manner in which distance between any two places should be calculated for the purposes of travelling allowance;
- (d) The shortest available route by which a journey can be performed;
- (e) The form in which claims may be presented, the method of scrutiny of claims and the authorities by and the manner in which such claims may be certified and paid;
- (ee) Provision for residential accommodation of members mentioned in section 4-A; and
- (f) Any other matter connected with or incidental to matters aforesaid.

(3) Until such rules come into force, all matters of detail not covered by this Act shall be governed by the rules hitherto in force for the payment of allowances to members, so far as they are applicable.

6. If any question arises as to the interpretation of this Act or of the rules made thereunder, the matter shall be referred to the Speaker whose decision shall be final.

7. The Punjab Legislative Assembly (Allowances of Members) Act, 1937 is hereby repealed.

¹Substituted for the words "State Government",—vide Punjab Act 23 of 1956 (with effect from 19th September, 1956).