

CHAPTER-VII

21. THE PUNJAB STATE LEGISLATURE MEMBERS (PENSION AND MEDICAL FACILITIES REGULATION) ACT, 1977.

Act No. 5 of 1977

AN
ACT

to provide for pension and medical facilities to persons who have been Members of the Punjab State Legislature.

Be it enacted by the Legislature of the State of Punjab in the Twenty-eighth Year of Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Punjab State Legislature Members (Pension and Medical Facilities Regulation) Act, 1977.

Definition.

(2) It shall come into force on such date as the State Government may by notification, appoint.*[1st May, 1977]

2. In this Act, unless the context otherwise requires 'Member' means a person who, after the commencement of the Constitution of India, has been a member of:—

- (i) the Punjab Legislative Assembly; or
- (ii) the Punjab Legislative Council ; or
- (iii) the Legislative Assembly of the erst while State of Patiala and East Punjab States Union ; or
- (iv) Partly as a member of the one and partly as a member of the other.

3. ** [(1) There shall be paid to every person, who remained as a member, a pension of five thousand rupees per mensem plus D.A. thereon for the first term and an additional pension of two thousand and five hundred rupees plus D.A. thereon for every subsequent term, irrespective of the tenures of the Punjab Vidhan Sabha, in which he had served as a member:

Provided that when a person, who has served as a member, attains the age of sixty five years, seventy five years and eighty years, he shall, respectively, be entitled to an increase of five per cent, ten per cent and fifteen per cent of the basic pension, admissible to him at the attainment of such age.

*Government of Punjab appointed the first day of May, 1977, as the date on which the said Act shall come into force, vide notification No.1590-2PA-77. Published in Extraordinary Gazette dated 26th April, 1977.

**Substituted vide Punjab Act No. 31 of 2006 w.e.f. 30.10.2006.

(1-A) In case, a member resigns or is disqualified, then he shall not be entitled to get any pension or an additional pension of the term, during which, he has resigned or is disqualified, as the case may be].

(1-C) ¹Omitted.

(1-D) ²Omitted.

(1-E) ³Omitted

(2) Where any person entitled to pension under sub-section-1,

- (i) is elected to the office of the President or Vice-President of India or is appointed to the Office of the Governor of any State or the Administrator of any Union Territory ; or
- (ii) becomes a member of the Council of States or the House of People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under Section 3 of the Delhi Administration Act, 1966; or
- (iii) is employed on a salary under 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 or becomes otherwise entitled to any remuneration from such Government, Corporation 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 hold 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) * Omitted.

(4) ** Omitted.

^{1,2 and 3} Omitted vide Punjab Act No. 9 of 2002 w.e.f. 12-07-2002.

* Omitted vide Punjab Act No.5 of 1992, vide Punjab Government Notification No.7-Leg/92, dated the 29th July, 1992.

** Omitted vide Punjab Act No. 31 of 2006 w.e.f. 30.10.2006.

²[¹(5) No person shall be entitled to pension under this Act for or in respect of ³[the term and during the period for which he is disqualified] under the Representation of People Act, 1951 or any other law for the time being in force.]

Recovery of
Government
dues from
pension.

⁴ **3-A.** 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 residential accommodation or any other facility of whatever nature provided to him by the State Government in his capacity as Minister.

⁵[Leader of Opposition, as defined in the Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978,] Speaker, Deputy Minister, Deputy Speaker, Chief Parliamentary Secretary, Parliamentary Secretary or Member, the above referred to amount due from him may be recovered from his pension.]

Family
Pension.

⁶⁻⁷**3-B** ⁸{(1)In the event of death of a member :-

- (i) who is getting pension under section 3; or
- (ii) who is entitled to such pension, but is not getting; or
- (iii) who would have been entitled to such pension had he or she not died, his, or, as the case may be, her spouse shall be entitled to draw family pension at the rate of fifty per cent of the pension to which the member would have been entitled had he or she died]

(2) Notwithstanding anything contained in sub section (1) in the case of a member, who had died on or before the 23rd day April, 2003, his or her spouse, as the case may be shall be entitled to draw family pension at the rate of Rupees two thousand five hundred per month}.

¹Sub-Section(5) of Section 3 omitted, vide Act.8 of 1979

²Sub-Section(5) of Section 3 inserted, vide Punjab Act No.10 of 1986

³Substituted for the words" a term as member if he has incurred any disqualification", vide Punjab Act No.3 of 1998.

⁴Section 3-A inserted, vide Punjab Act No.23 of 1978.

⁵Inserted, vide Act No.24 of 1981.

^{6&7}Section 3-B inserted, vide Punjab Act No.5 of 1992

⁸Section 3-B re-numbered as 3B(1) and sub-section (2) added vide Act No. 8 of 2006, w.e.f. 5-4-2006.

¹[3-C. Every person, who draws pension or family pension or is entitled to draw the same shall, in addition to the pension or family pension, as the case may be, admissible under this Act, shall be paid dearness allowance on pension, as is admissible to other pensioners of the State Government.]

4. Every person who is entitled to pension under the provisions of section 3, shall also be entitled to such medical facilities for himself and for the members of his family ²[as may be prescribed by rules made under this Act.] Medical Facilities.

³[4-A. (1) where a person who is serving as a member of the Punjab Legislative Assembly dies, while in such service, there shall be paid to the members of his family an ex-gratia grant of one lakh rupees.] Ex-Gratia Grant.

⁴[Provided that where the Member dies as a result of any terrorist act, the members of his family, shall be paid an ex-gratia grant of three lakh rupees.

(2) Where a person who is entitled to pension under the provisions of Section 3, dies as a result of terrorist act, the members of his family, shall be paid an ex-gratia grant of one lakh and fifty thousand rupees.

Explanation.- For the purpose of Section 4-A, the expression "terrorist act" shall have the meaning as assigned to it, in the Terrorist and Disruptive Activities (Prevention) Act, 1987 (Central Act 28 of 1987.)

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

1. Inserted, vide Act No.21 of 1998.

2. Substituted for words " as are, from time to time , admissible to class-I Officers of Punjab Government", vide Act No.10 of 1986 .

3. Section 4-A inserted, vide Punjab Act No.10 of 1986.

4. Inserted proviso to Section 4-A, vide Punjab Act No.5 of 1992.

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

- (a) the form in which certificates, if any, shall be furnished by any person for the purpose or claiming any pension under this Act;
- (b) the family members who shall be entitled to medical facilities;
- (c) generally for regulating payment of pension and providing medical facilities under this Act.

(3) Every rule made under this section shall be laid as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.