

CHAPTER I

A BRIEF OF THE FACILITIES PROVIDED TO MEMBERS/

Ex-MEMBERS WITH EFFECT FROM 15.05.2015.

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| 1. Salary | Rs.25,000/- per month. |
| 2. Compensatory Allowance | Rs.5,000/- per month. |
| 3. (a) Constituency, Secretarial and Postal Facilities Allowance | Rs.25,000/- per month. |
| (b) Office Allowance | Rs.10,000/- per month. |
| (c) Sumptuary Allowance | Rs. 3,000/- per month. |
| (d) Water & Electricity Allowance | Rs. 1,000/- per month. |
| 4. Telephone Allowance | Rs.15,000/- per month. |
| 5. Secretarial Allowance | Rs.10,000/- per month. |
| 6. Income Tax | The income tax on salaries and other allowances provided to Members is paid by the State Government. |
| 7. Road Mileage | Rs.15/- per km. w.e.f. 23.09.2011 |
| 8. Daily Allowance | Rs.1,500/- per day. |
| 9. Free Travel Facility | Rs.3,00,000/- per annum (Diesel/ Petrol/ by Air) |
| 10. Travelling Allowance | i) By Rail.- An amount equal to one first class Railway fare, inclusive of tax on passenger fare, if any, plus one half first class Railway fare exclusive of tax on passenger fare for each such journey. ii) By Road.- Between the places connected by |

Rail either wholly or in part at the rate of Rs.15/- per kilometre, provided the Member gives a certificate that he travelled by his own car. Otherwise, between places not connected by rail at the rate of Rs.15/- per kilometre, (With effect from 23.09.2011).

iii) By Air.- Travelling Allowance on the same scale as is admissible to Grade-I Officer of the Punjab Government entitled to travel by Air.

iv) Room rent outside the State:- As admissible to Class-I Officers of Punjab Government.

11. Travel Facilities like Air/ Rail/ Car etc.

Every Member along with 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 outside India by an air-conditioned Railway Coach or by air or by private taxi or by his own motor car and an amount equivalent to the expenses incurred on such journey shall be reimbursed to the Member:

Provided that a Member furnishes a certificate in respect of the journey undertaken and the sum of money spent thereupon;

A Member may get an advance for performing the journey abroad by air:

Provided further that the total expenses incurred for the facilities specified in this section shall not exceed the amount of Rs.3,00,000/- in a Financial Year.

12. Housing Facilities

MLAs' Flats and rooms in the Legislators' Hostel

are made available to Members at the following concessional rates:-

i) Rs. 209/- P.M. (exclusive of Water and Electricity.)

ii) Rs. 50.00 P.M. for a motor garage allotted with the MLA's Flat.

iii) Rs. 50.00 P.M. for a servant quarter allotted with the MLA's Flat.

iv) Rs. 30/- per day per room in the Legislators' Hostel (inclusive of Water and Electricity.)

13 Medical Facilities

Every person holding for the time being any of the offices mentioned in sub-Section (1) of Section 2 of the Punjab State Legislature Offices, Ministers and Members (Medical Facilities) Act, 1965 shall be entitled, for himself and for members of his family, medical reimbursement as per the actual medical bills submitted.

GRANT OF LOANS

14 Grant of Loan for building/ purchasing a house and for Motor Car, etc.

(I) Subject to such conditions and limitations, as may be prescribed, each Member of Punjab Vidhan Sabha may be paid by way of repayable advance:

(a) A sum not exceeding Rs. 50,00,000/- for building or purchasing a house: Provided that a Member who had drawn repayable advance for building or purchasing a house/ flat and on repayment thereof alongwith interest thereon, he may draw second repayable advance not exceeding thirty-one lac rupees for the said purpose; and

(b) A sum of money not exceeding Rs.15,00,000/- or the anticipated price, whichever be less, for purchase of a Motor Car and repayment of this advance alongwith interest thereon, a Member may draw second repayable advance which may be a period of five years or less depending on the tenure of the Vidhan Sabha.

(II) Where a Member has obtained an advance for building or purchasing a House or for the purchase of Motor Car or a Jeep or for conversion of a Petrol driven Motor Car or a Jeep to a Diesel driven vehicle dies during his term as such Member, the amount of such advance or any part thereof which should have accrued after the date of death in accordance with the terms and conditions of the advance alongwith interest thereon shall be written off with the sanction of the prescribed authority.

15 Ex-gratia Grant

(i) Where a person who is serving as 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 Rs. 5,00,000/-;

(ii) Where a Member dies as a result of any terrorist act, the members of his family, shall be paid an Ex-gratia of Rs. 3,00,000/-.

Facilities Provided to Ex-Members:

1. Ex-gratia Grant

Where an Ex-Member, who is entitled to pension, dies as a result of terrorist act, the members of his family shall be paid Ex-gratia Grant of Rs. 5,00,000/-.

2. (a) Pension

With effect from 26-10-2016, a person who has served as a Member is entitled to pension @ Rs. 15,000/- per month plus D.A. thereon for the first term and additional pension of 10,000/- rupees plus D.A. thereon for every subsequent term, irrespective of tenures of 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 65 years, 75 years and 80 years, he shall, respectively, be entitled to an increase of 5%, 10%, 15% of the basic pension, admissible to him at the attainment of such age.

(b) Family Pension

(1) In the event of death of an Ex-Member:-

(i) Who is getting pension;

(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 not died.

(2) In the case of Member who had died on or before 23.4.2003, his or her spouse, as the case may be, shall be entitled to draw family pension at the rate of 2,500/- rupees per month.

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.

3. Medical Facilities
An Ex-Member shall be entitled, for himself and for the members of his family, for full reimbursement of actual expenses on outdoor and indoor treatment and treatment of chronic diseases.
4. Free Travel by Government Transport
Every Ex-Member and his/ her spouse is entitled to free travel facility in the State owned buses on production of Identity Card issued by the Punjab Vidhan Sabha Secretariat.
5. Accommodation at MLAs' Hostel at Chandigarh
Rooms in the MLAs' Hostel are made available to Ex-Members, if vacant, at concessional rate of Rs. 100/- per room for 24 hours.

CHAPTER-II

2. THE PUNJAB LEGISLATIVE ASSEMBLY SPEAKER'S AND DEPUTY SPEAKER'S SALARIES ACT, 1937 (PUNJAB ACT NO. III OF 1937)

AN ACT

*to provide for the salaries of the Speaker and the Deputy
Speaker of the Legislative Assembly of the Punjab*

WHEREAS by the Government of India Act, 1935, provision has been made for the determination of the salaries of the Speaker and the Deputy Speaker of the Punjab Legislative Assembly by Act of the Provincial Legislature, it is hereby enacted as follows:-

Preamble.

1. This Act may be called the Punjab Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1937

Short title.

1-A. (a) "House" includes the staff quarters and other building appurtenant thereto, and the gardens thereof.

(b) "Maintenance" in relation to a house shall include the payment of local rates and taxes, and charges for electricity and water.

¹[2. There shall be paid to the Speaker of the Punjab Legislative Assembly a salary at the rate of ²[fifty thousand rupees] per mensem, ³[sumptuary allowance and compensatory allowance each] at the rate of five thousand rupees per mensem and a conveyance allowance at the rate of ten thousand rupees per mensem or, in lieu thereof, a state car, the expenses on the maintenance and propulsion of which shall be borne by State Government and there shall in addition be provided by the State Government a free furnished house at Chandigarh for him, the maintenance charges of which shall be borne by the State Government. The State Government may also allow him to continue in free occupation of the house for a period not exceeding fifteen days from the date of his ceasing to be the Speaker:

Salary of the
Speaker.

Provided that if the Speaker does not avail of or surrenders his State car and wishes to use his private vehicle for official purpose, he will be paid such allowance, as may be specified in the rules made in this behalf by the State Government under this Act from time to time].

¹Substituted vide Punjab Act No. 5 of 2003 (w.e.f. 25-4-2003).

²Substituted vide Notification No. 21. Leg./2015, dated 15th May, 2015.

³Substituted vide Punjab Act No. 19 of 2003 (w.e.f. 25-4-2003).

Salary of the Deputy Speaker ¹[3. There shall be paid to the Deputy Speaker of the Punjab Legislative Assembly a salary at the rate of ²[fifty thousand rupees] per mensem, sumptuary allowance and compensatory allowance each] at the rate of five thousand rupees per mensem and conveyance allowance at the rate of ten thousand rupees per mensem or, in lieu thereof, a State car, the expenses on the maintenance and propulsion of which shall be borne by the State Government and there shall in addition be provided by the State Government a free furnished house at Chandigarh for him the maintenance charges of which shall be borne by the State Government or in lieu thereof he shall be paid such allowance not exceeding three hundred rupees per mensem as the State Government may fix. The State Government may also allow him to continue in free occupation of the house for a period not exceeding fifteen days from the date of his ceasing to be the Deputy Speaker:

Provided that if the Deputy Speaker does not avail of or surrenders his State car and wishes to use his private vehicle for official purpose, he will be paid such allowance, as may be specified in the rules made in this behalf by the State Government under this Act from time to time].

Free installation of telephones. ³[3A (1) The Speaker and the Deputy Speaker shall each 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 Speaker and the Deputy Speaker themselves and the amount so paid shall be reimbursed to the Speaker and the Deputy Speaker by the Government on production of receipts obtained from the Posts and Telegraph Department].

⁴[(2) The Speaker and Deputy Speaker shall be paid a telephone allowance at the rate of ⁵[fifteen thousand rupees] per mensem.]

¹Substituted vide Punjab Act No. 19 of 2003 (w.e.f. 25-4-2003).

²Substituted vide Notification No. 21. Leg./2015, dated 15th May, 2015.

³Substituted vide Punjab Act No. 20 of 1995 w.e.f. 14-11-1995.

⁴Substituted vide Notification No. 10. Leg./2011, dated 4th April, 2011.

⁵Substituted vide Notification No. 21. Leg./2015, dated 15th May, 2015.

¹[3-AA There shall be paid to the Speaker and the Deputy Speaker Constituency, Secretarial and Postal Facilities Allowance at the rate of ²{twenty five thousand rupees} per mensem ³[and office allowance in constituency at the rate of ⁴{ten thousand rupees} per mensem].

Constituency,
Secretarial and
Postal Facilities
Allowance.

⁵[3-B ⁶{(1)} The Speaker and the Deputy Speaker each along with 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 outside India by an air-conditioned coach or by air and amount equivalent to the expenses incurred on such journey shall be reimbursed to him:

Travelling
Concession.

Provided that where the Speaker or the Deputy Speaker travels by his own motor-car and furnishes a cash receipt from a licensed dealer, indicating the name of the Speaker or the Deputy Speaker, as the case may be, 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:

Provided further that the total expenses incurred for the facilities specified in this section shall not exceed the amount of ⁷[three lac rupees] in a financial year.]

⁸{(2) The Speaker and Deputy Speaker may get an advance for performing the journey abroad by Air.]

Grant of Advance

⁹[4. XXXX]

5. The salary and allowances payable to the Speaker and the Deputy Speaker and free furnished house and other perquisites admissible to them under this Act, shall be exclusive of income-tax which shall be payable by the State Government.

Salary,
Allowances and
perquisites to
be exclusive of
income tax.

¹Inserted vide Punjab Act No. 5 of 1992 w.e.f. 29-7-1992.

²Substituted vide Notification No. 21. Leg./2015, dated 15th May, 2015.

³Amended vide Punjab Act No. 19 of 2003 w.e.f. 25-4-2003.

⁴Substituted vide Notification No. 21. Leg./2015, dated 15th May, 2015.

⁵Substituted vide Punjab Act No. 5 of 1992 w.e.f. 29-7-1998.

⁶Amended vide Notification No. 10. Leg./2011, dated 4th April, 2011.

⁷Substituted vide Notification No. 21. Leg./2015, dated 15th May, 2015.

⁸Inserted vide Notification No. 10.-Leg./2011, dated 4th April, 2011.

⁹Omitted vide Notification No. 10.-Leg./2011, dated 4th April, 2011.

**3 'THE PUNJAB LEGISLATIVE ASSEMBLY (GRANT OF ADVANCE TO
SPEAKER AND DEPUTY SPEAKER)
RULES, 1979**

(Framed Under Section 4(4) of the Act)

1. Short Title.- These rules may be called the Punjab Legislative Assembly (Grant of Advance to Speaker and Deputy Speaker) Rules, 1979.

2. Definitions.-In these rules, unless there is anything repugnant in the subject or context:-

- (a) 'Act' means the Punjab Legislative Assembly Speaker's and the Deputy Speaker's Salaries Act, 1937 (Punjab Act No. III of 1937);
- (b) 'Family' means the spouse of the Speaker or Deputy Speaker and the legitimate children and step children residing with and wholly dependent upon the Speaker and Deputy Speaker;
- (c) "Form" means a form appended to these Rules;
- (d) 'Government' means the Government of the State of Punjab in the Department of General Administration (Parliamentary Affairs Branch);
- (e) 'Sanctioning Authority' means the Secretary of the Punjab Vidhan Sabha.

3. Application for the grant of advance for the construction of house- The Speaker or the Deputy Speaker desirous of getting advance for the construction of a house shall apply to the Sanctioning Authority in Form 'A'.

4. Conditions for grant of house building advance.-The Sanctioning Authority shall sanction a repayable advance for the construction of a house subject to the following conditions:-

- (i) The Speaker or the Deputy Speaker concerned must certify that the advance is actually required for building a house for occupation by himself, where he intends to settle down;
- (ii) The land or plot which is free-hold or lease-hold alongwith building to be erected thereupon shall be mortgaged to the Government in Form 'B' or Form 'C' as the case may be, before any instalment of advance is drawn by the Speaker or the Deputy Speaker;
- (iii) The advance shall be disbursed in four instalments depending upon the stage of construction and the amount of each instalment shall be as under:-

¹Notified in Punjab Government Gazette Supplement Part III, dated 4th December, 1979, v page 940.

- (a) first instalment: equal to twenty per cent of the advance at the time of starting construction;
- (b) second instalment: equal to twenty per cent of the advance after the house has been completed up to plinth level;
- (c) third instalment: equal to thirty per cent of advance after the house has been constructed up to roof level;
- (d) fourth instalment: equal to thirty per cent, i.e. the balance amount of the advance, after the roof has been completed:

Provided that the second and subsequent instalments shall be released only when the Speaker or the Deputy Speaker furnishes an affidavit to the Sanctioning Authority to the effect that the amount of an instalment previously drawn has actually been utilised for the purpose for which it was drawn.

(i) The Speaker or the Deputy Speaker shall forthwith refund to the Government the amount, if any, which is not spent for the purpose for which it was drawn.

(ii) The house shall be maintained in good condition at the cost of Speaker or Deputy Speaker concerned and municipal and other local taxes in respect of the house shall be regularly paid by him until the advance alongwith interest is repaid to the Government.

5. Advance for purchasing a house.- (1) The Speaker or the Deputy Speaker desirous of getting advance for purchasing a house shall apply to the Sanctioning Authority in Form 'D'.

(2) The application referred to in sub-rule (1) shall be accompanied by an agreement to sell in Form 'E' executed by the intended seller.

6. Conditions for Grant of advance for purchase of a house.- The Sanctioning Authority shall sanction the repayable advance for purchase of a house to the Speaker or the Deputy Speaker subject to the following conditions:-

(i) The house must be purchased within one month from the drawal of the said advance;

(ii) A satisfactory proof of the purchase of the house shall be submitted to the Sanctioning Authority immediately after the purchase is made;

(iii) The Speaker or the Deputy Speaker shall within a fortnight refund the surplus amount to the Government, if the amount of advance is more than what is actually spent for the purchase of a house;

(iv) The Speaker or the Deputy Speaker shall mortgage the house purchased with the advance and built on a plot which is free-hold or lease-hold in favour of the Governor of Punjab in Form 'B' or Form 'C' as the case may be, within a period of fifteen days from the date of purchase thereof;

(v) The house shall be maintained in good condition at the cost of the Speaker or the Deputy Speaker concerned and the municipal and other local taxes in respect of the house shall regularly be paid by him until the advance alongwith interest is repaid to the Government.

7. Grant of advance for the purchase of motor-car.- (1) The Speaker or the Deputy Speaker desirous of getting advance for the purchase of motor-car, shall apply to the Sanctioning Authority in Form 'F' accompanied by an irrevocable Bank Guarantee worth not less than the amount of advance required or a surety bond in Form 'H' executed by the person having immovable property worth not less than the amount of advance required.

(2) The Sanctioning Authority shall sanction a repayable advance to the Speaker or the Deputy Speaker for the purchase of a motor car, subject to the following conditions:-

- (i) The Speaker or the Deputy Speaker shall execute an agreement in Form (I) before the drawal of the advance;
- (ii) The Speaker or the Deputy Speaker shall purchase the motor car within a period of one month from the date of drawal of the advance;
- (iii) The Speaker or the Deputy Speaker shall hypothecate the motor car in favour of the Government in Form 'G' before its registration or within a period of fifteen days from the date of purchase thereof, whichever is earlier;
- (iv) The Speaker or the Deputy Speaker shall get motor car comprehensively insured during the period the advance alongwith interest is not fully repaid; and
- (v) The Speaker or the Deputy Speaker shall, while applying for registration, state that the motor-car is subject to hypothecation in favour of the Government as envisaged in Form 'E' set forth in the first schedule appended to the Motor Vehicle Act, 1939.

The Sanctioning Authority shall furnish to the Accountant-General, Punjab a certificate to the effect that a deed in Form 'G'

hypothecating the motor car in favour of the Government has been got executed from the Speaker or the Deputy Speaker and that it has been found to be in order.

8. Safe custody of the mortgage deeds.-The Sanctioning Authority shall ensure that the mortgage deeds, surety bond and the hypothecation deed referred to in Rules 4, 6 and 7 are duly executed and placed by him in safe custody.

9. Disbursement of advance- The amount of advance sanctioned under Rules 4, 6 and 7 shall be drawn and disbursed to the Speaker or the Deputy Speaker by the Sanctioning Authority.

10. Misutilization of the advance or furnishing of false information.- Utilization of the advance for a purpose other than that for which it is sanctioned or furnishing of the false certificate or making any false statement in the application for obtaining advance shall render the Speaker or the Deputy Speaker liable to refund to the Government forthwith entire advance drawn by him alongwith interest in addition to penal interest at such rate as may be specified by the Government from time to time.

11. Interest.- In respect of the advances sanctioned under Rules 4, 6 and 7, the interest shall be charged at the ¹[rate of 6% per annum].

- Notes:**
- (1) The interest shall be rounded off to the nearest rupee i.e. less than fifty paisa shall be ignored while fifty paisa and above shall be taken as a rupee.
 - (2) The interest shall be calculated on balance outstanding on last day of each month by the Sanctioning Authority.
 - (3) In case, where the advance is drawn in more than one instalment, the rate of interest applicable shall be determined with reference to the date on which the first instalment is drawn.
 - (4) The interest shall also be recoverable alongwith the principal amount in the manner indicated in Rule 13.
 - (5) The audit office shall check the correctness of the interest to be recovered from the Speaker or the Deputy Speaker.

12. Penal interest.- Without prejudice to any other action that may be taken under these rules, the Speaker or the Deputy Speaker who is found to have misutilised the advance or has not fulfilled all or any of the conditions of the sanctions or has retained the amount of the advance

¹Substituted vide Gazette Notification No. GSR-33/P.A.3/37/S/Amd. (2)97, dated 2nd July, 1997 w.e.f. 25th March, 1996.

beyond the period specified for utilization, a penal interest shall be charged at such rate, as the Government may, from time to time, specify.

13. Recovery of advances.- (1) The advances sanctioned under Rules 4, 6 and 7 shall be repayable in equated monthly instalments commencing from the month immediately succeeding that in which the advance has been drawn. The installments of the advance shall be so regulated that the entire amount of advance alongwith interest is recovered from the Speaker or the Deputy Speaker within a period of ¹[fifteen years] from the date of drawal of the advance:

Provided that if the Speaker or the Deputy Speaker fails to pay any installment of the advance on the due date, the whole amount of advance or so much thereof as shall then remain due and unpaid alongwith the interest shall become payable immediately:

Provided further that in the event of demise of the Speaker or the Deputy Speaker, the amount of advance or so much thereof as shall then remained due and unpaid shall become payable forthwith to Government with interest due thereon and in the event of failure by the legal heirs of the Speaker or the Deputy Speaker to deposit the same within a period of one month from the date of demise, the same shall be recovered from sale of the property mortgaged.

The amount of advance alongwith interest or any balance due, from the Speaker or the Deputy Speaker shall without, prejudice to other rights and the remedies of the Government also be recoverable from the pension, if any, admissible to him under the Punjab State Legislature Members (Pension and Medical Facilities Regulation) Act, 1977.

14. Sale of House or Motor-Car.- The House constructed or purchased, and the motor car, purchased with the aid of advance under these rules shall not be sold without previous permission of the Government so long such advance together with interest accrued thereon has not been fully repaid.

15. Repeal and Savings.- The Punjab Legislative Assembly Speaker's/ Deputy Speaker's (Advance for Motor-Car) Rules, 1955 are hereby repealed:

Provided that any order made or any action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

¹Substituted vide Gazette Notification No. GSR-33/P.A.3/37/S/Amd. (2)97, dated 2nd July, 1997 w.e.f. 25th March, 1996.

4. 'THE PUNJAB LEGISLATIVE ASSEMBLY (OFFICES)

ACT, 1939

(Act 7 of 1939)

1. Short Title.-This Act may be called the Punjab Legislative Assembly (Offices) Act, 1939.

2. Definitions.- In this Act-

- (i) "Assembly" means the Punjab Legislative Assembly;
- (ii) "Assembly building" means the Assembly Chamber, the lobbies and all other portions of the Assembly building, and includes its precincts; and
- (iii) "Speaker" includes a person acting as such under ²[Article 178 and 180 of the Constitution of India] or under the Rules of Procedure of the Assembly except for the purposes of Sections 7 and 9.

3. Appointment of Sergeant-at-Arms and his deputies.- The Governor or such person as he may appoint a Sergeant-at-Arms and one or more Deputy Sergeant-at-Arms.

4. Power of the Speaker to order removal or expulsion of persons.- The Speaker shall have the power to direct the Sergeant-at-Arms or any of his deputies to remove or exclude from the Assembly building or any part thereof any person who in the opinion of the Speaker infringes the Rules of Procedure of the Assembly or otherwise behaves in a disorderly manner:

Provided that this power shall not be exercised against a Member of the Assembly unless he has first been directed by the Speaker to withdraw.

5. Duties of Sergeant-at-Arms and his deputies.- The duties of the Sergeant-at-Arms and his deputies, if any, shall be to attend on the Speaker, to keep the doors of the Assembly building and to execute the orders given by the Speaker under Section 4 for which purpose they may

¹Received the assent of His Excellency, the Governor General on the 4th June, 1939 and was first published in the Punjab Government Gazette, Extraordinary, dated the 14th June, 1939.

For Statement of Objects and Reasons, see Punjab Government Gazette, Extraordinary, 1939, page 6; for the Select Committee report, see ibid 1939, part IV, pages 16; and for Proceedings in Assembly, see Punjab Legislative Assembly Debates, 1939, Volume VII, pages 811-59, Volume VIII, page 47, Volume IX, pages 175-85, 215-56, 283-303, 308-23, 447-82, 527-62 and 642-78.

²Substituted, *Vide Punjab Act 33 of 1957 S. 3(b) and Sch.*

enlist to their aid such servants of the ¹[Government] or of the Assembly, as they may consider necessary.

6. Appointment of officers and messengers, etc., as assistants of Sergeant-at-Arms and conditions of their service.- The Governor or such person as he may direct may appoint such officers, messengers and other persons as may be required to assist the Sergeant-at-Arms in the proper execution of his duties.

7. Bar to civil or criminal proceedings.- Except with the sanction of the Speaker, no court shall entertain any proceedings, either civil or criminal, which may be instituted against the Sergeant-at-Arms or any of his deputies in respect of any act done or purporting to be done by them in execution of their duty or against any person in respect of the carrying out of orders given to him by the Sergeant-at-Arms or any of his deputies within the scope of their authority.

8. Persons who are to be deemed public servants within the meaning of the Indian Penal Code.- The Sergeant-at-Arms and his deputies; and any person appointed under Section 6 or enlisted in aid under Section 5, shall be deemed to be public servants for the purposes of the Indian Penal Code.

9. Power to make rules.-The Speaker may frame rules for the purposes of carrying out the provisions of this Act.

¹Substituted for the word "Crown" by the adaptation of Laws Order, 1950.

CHAPTER III
5. 'THE EAST PUNJAB MINISTERS' SALARIES ACT, 1947
(East Punjab Act No. VI of 1947)

[Received the assent of His Excellency, the Governor of East Punjab on the 23rd November, 1947, and was first published in the East Punjab Government Gazette (Extraordinary) of 1st December, 1947].

An Act to provide for the Salaries of Ministers of the East Punjab Government

It is hereby enacted as follows:-

1. (1) This Act may be called the East Punjab Ministers' Salaries Act, 1947. Short title and commencement.
- (2) It shall come into force at once.
- ²1-A. (a) "House" includes the staff quarters and other buildings appurtenant thereto, and the gardens thereof. Definition.
- (b) "Maintenance" in relation to a house shall include the payment of local rates and taxes, and charges of electricity and water.
2. ³[(1) There shall be paid,-
 - (a) to the Chief Minister, a salary at the rate of one lac rupees per mensem, sumptuary allowance and compensatory allowance each at the rate of five thousand rupees per mensem; and
 - (b) to the Deputy Chief Minister and every Minister, a salary at the rate of fifty thousand rupees per mensem, sumptuary allowance and compensatory allowance each at the rate of five thousand rupees per mensem; and]
- ⁴[(2) Each Minister shall be provided with a rent-free Government house at the State Headquarter, the furnishing and maintenance charges of which, shall be borne by the State Government.
- (2-A) In case, a Minister is not provided with a rent free Government house, as stated in sub-section (2), by the State Government due to non-availability of the Government house, and he resides in a house, taken by him on rent at the State Headquarter, then he shall be entitled to such monthly allowance, as may be specified by the State Government in the rules framed in this regard. Apart from the monthly

¹For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1947, page 43, For proceedings in the Assembly, see East Punjab Legislative Assembly Debates, Volume, 1947, pages 20-43.

²Added vide Punjab Act III of 1952, Section 2. It was deemed to be so added with effect from the 17th April, 1952.

³Substituted vide Punjab Act No. 18 of 2015, w.e.f. 7th May, 2015.

⁴Substituted vide Notification No. 13-Leg./2009, dated 10th August, 2009.

allowance, a Minister shall also be entitled to the facility of free furnishing at the Government expenses:

Provided that the maintenance charges, other than the actual charges of electricity and water in respect of the rented house, shall be borne by the owner of the house.

(2-B) In case a Minister opts to reside in his own house or in the house owned by his spouse, which is situated within such radius from the State Headquarter, as may be specified in the rules, then he shall be entitled to such monthly allowance, as may be specified by the State Government in the rules framed in this regard. Apart from the monthly allowance, a Minister shall also be entitled to the facility of free furnishing at the Government expenses :

Provided that the maintenance charges, other than the actual charges of electricity and water of the house, shall be borne by the owner of the house.

(2-C) The State Government may, allow a Minister to continue in free occupation of the house, provided to him under sub-section (2) or sub-section (2-A), as the case may be, for a period, not exceeding fifteen days from the date of his ceasing to be a Minister.]

(3) Each Minister shall be provided with the State Car, the expenses on the maintenance and propulsion of which shall be borne by the State Government.

(3-A) If a Minister does not avail of or surrenders his State Car and wishes to use his private vehicle for official purpose, he will be paid such allowance, as may be specified in the rules made in this behalf by the State Government under this Act from time to time".

¹[Provided that the maintenance and propulsion expenses of the State Car in use by Minister shall not be subject to the limit of three hundred rupees.]

²(4) (a) Each Minister shall be entitled to have a telephone installed at any place within his constituency or at Chandigarh and all charges in respect of installation and security deposit shall be paid by the Minister himself and the amount so paid shall be reimbursed to the Minister, by the Government on production of receipts obtained from the Posts and Telegraph Department.

³(b) The Chief Minister, Deputy Chief Minister and every Minister, shall be paid a telephone allowance at the rate of ⁴[fifteen thousand rupees] per mensem".

⁵[Provided that reimbursement of charges referred to in clauses (a) and (b), shall not exceed one lac twenty thousand rupees per annum.]

¹Proviso added at the end of sub-section (3) of section (2) of Punjab Act No. 33 of 1957.

²New Sub-section 4 and 5 added at the end of sub-section (3) of Section 2 vide Punjab Act No. 4 of 1970. Sub-section 4 was modified,, --Vide Act No. 25 of 1978 and substituted, -- Punjab Act No. 20 of 1995 and further substituted, --vide Punjab Act No. 21 of 1998.

³Substituted vide Punjab Act No. 15 of 2010, w.e.f. 04-11-2010.

⁴Substituted vide Punjab Act No. 18 of 2015, w.e.f. 7th May, 2015.

⁵Amended vide Punjab Act No. 18 of 2004, w.e.f. 14-7-2004.

¹2-A. (1) The travelling allowance of the Ministers, including the Chief Minister, shall be regulated in accordance with such ²[rules as may be framed or adopted by the State Government from time to time:]

Power to make or adopt rules.

Provided that no mileage or travelling allowance shall be chargeable in respect of journeys performed in a State Car.

(2) Any expenditure incurred in relation to the travelling allowance of Minister before the commencement of this Act shall be deemed to have been incurred in accordance with such rules as if the said rules were framed and adopted under this Act.

³[2-B. No person in receipt of salary or allowance under this Act shall be entitled to receive any sum out of the funds provided by the State Legislature by way of salary or allowance in respect of his membership of either House of the State Legislature.]

Ministers not to draw salary or allowances as Members of the State Legislature.

⁴[2BB (1) Every Minister 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 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 him:

Travelling concession.

Provided that where a Minister travels by his own motor car and furnishes a cash receipt from a licensed dealer indicating the name of the Minister, 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:

Provided further that the total expenses incurred for the facilities specified in this section shall not exceed the amount of ⁵{three lac rupees} in a financial year].

⁶(2) The Chief Minister, Deputy Chief Minister and every Minister, may get an advance for performing the journey abroad by Air.

¹New Section 2-A added, --vide Punjab Act III of 1952.

²For rules framed under this Act, see Punjab Government Notification No. 4436-P-53/32824, dated 1st June, 1953 published in Punjab Government Gazette 1953, Part-I, page 531-32.

³New Section inserted, --vide Punjab Act 33 of 1957.

⁴New section 2BB added by Punjab Act of 1978 and substituted, - vide Punjab Act 5 of 1992 and further amended by Punjab Act 20 of 1995.

⁵Substituted vide Punjab Act No. 18 of 2015, w.e.f. 7th May, 2015.

⁶New sub-section 2 added, --vide Act No. 15 of 2010, vide Notification No. Leg./2010, dated 4th November, 2010.

Constituency,
Secretarial and
Postal Facilities
Allowance.

" ¹2-BBB. There shall be paid to the Minister, Constituency, Secretarial, Postal Facilities Allowance at the rate of ²[twenty five thousand rupees] per mensem and Office Allowance in constituency at the rate of ³[ten thousand rupees] per mensem."

Salary Allowance
and requisites to
be exclusive of
Income Tax.

⁴2-C. The salary and allowances payable to a Minister, and free furnished house and other perquisites admissible to him, under this Act, shall be exclusive of income-tax which shall be payable by the State Government.

Grant of Loan.

⁵[2-D and 2-DD. XXX XXX XXX]

3. The Punjab Ministers' Salaries Act, 1937, and the East Punjab Ministers' Salaries Ordinance, 1947, are hereby repealed.

¹New Section 2BBB added, --vide Act 5 of 1992 and substituted, --vide Act No. 20 of 1995 and 8 of 2003 and further amended by Punjab Act No. 21 of 1998.

²Substituted vide Punjab Act No. 18 of 2015, w.e.f. 7th May, 2015.

³Substituted vide Punjab Act No. 18 of 2015, w.e.f. 7th May, 2015.

⁴New Section 2C added by Punjab Act 14 of 1976.

⁵Section 2-D and 2-DD omitted vide Notification No. 23.Leg./2010, dated 4th November, 2010.

**6. 'THE SALARIES AND ALLOWANCES OF DEPUTY MINISTERS,
PUNJAB ACT, 1956**

Punjab Act No. 22 of 1956

(Received the assent of the Governor of Punjab on the 15th September, 1956 and was first published in the Punjab Government Gazette (Extraordinary) of 19th September, 1956)

An Act to provide for the Salaries and Allowances of Deputy Ministers in the State of Punjab

Be it enacted by the Legislature of the State of Punjab in the Seventh year of the Republic of India as follows:-

1. (1) This Act may be called the Salaries and Allowances of Deputy Ministers, Punjab Act, 1956.

(2) It shall be deemed to have come into force with effect from 23rd April, 1956.

2. In this Act unless the context otherwise requires:-

Definitions.

(a) "House" includes the staff quarters and other buildings appurtenant thereto and the gardens thereof.

(b) "Maintenance" in relation to a house shall include the payment of local rates and taxes and charges for electricity and water.

²[3. There shall be paid to each Deputy Minister, a salary at the rate of twenty thousand rupees per mensem, sumptuary allowance and compensatory allowance each at the rate of five thousand rupees per mensem.]

³[4. (1) Each Deputy Minister shall be provided with a rent-free Government house at the State Headquarter, the furnishing and maintenance charges of which shall be borne by the State Government.

Residence of
Deputy
Ministers.

(2) In case a Deputy Minister is not provided with a rent-free Government house, as stated in sub-section (1), by the State Government due to non-availability of the Government house, and he

¹This Act applied to the new State of Punjab by the Punjab Laws (Application), Act, 1957 (Punjab Act 33 of 1957) which came into force on the 1st November, 1956.

²Subs. by Punjab Act No. 16 of 2010, vide No. 24-Leg./2010, dt. 04.11.2010

³Subs. by Punjab Act No. 12 of 2009, vide Notification No. 14.Leg./2009, dated 10-08-2009.

resides in a house, taken by him on rent at the State Headquarter, then he shall be entitled to such monthly allowance, as may be specified by the State Government in the rules framed in this regard. Apart from the monthly allowance, a Deputy Minister shall also be entitled to the facility of free furnishing at the Government expenses:

Provided that the maintenance charges, other than the actual charges of electricity and water in respect of the rented house, shall be borne by the owner of the house.

(3) In case a Deputy Minister opts to reside in his own house or in the house owned by his spouse, which is situated within such radius from the State Headquarter, as may be specified in the rules, then he shall be entitled to such monthly allowance, as may be specified by the State Government in the rules framed in this regard. Apart from the monthly allowance, a Deputy Minister shall also be entitled to the facility of free furnishing at the Government expenses:

Provided that the maintenance charges, other than the actual charges of electricity and water of the house, shall be borne by the owner of the house.

(4) The State Government may allow a Deputy Minister to continue in free occupation of the house provided to him under sub-section (1) or sub-section (2), as the case may be, for a period not exceeding fifteen days from the date of his ceasing to be a Deputy Minister.]

Conveyance
Allowance

5. (1) Each Deputy Minister shall be provided with a State Car, the expenses on the maintenance and propulsion of which shall be borne by the State Government.

(2) If a Deputy Minister does not avail of or surrenders his State Car and wishes to use his private vehicle for official purpose, he will be paid such allowance, as may be specified in the rules made in this behalf by the State Government under this Act from time to time.

¹[5-A. (1) Every Deputy Minister 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 Deputy Minister himself and the amount so paid shall be reimbursed to the Deputy Minister by the government, on production of receipts obtained from the Posts and Telegraph Department.

Free installation
of telephone

²{(2) Every Deputy Minister shall be paid a telephone allowance at the rate of ten thousand rupees per mensem} :

Provided that the reimbursement of charges referred to in sub sections (1) and (2) shall not exceed ³(one lac twenty thousand rupees per annum.)]

⁴5-B. (1) Every Deputy Minister along with 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 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 him:

Free Transit by
Railway

Provided that where a Deputy Minister travels by his own motor car and furnishes a cash receipt from a licensed dealer indicating the name of the Deputy Minister, 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 :

Provided further that the total expenses incurred for the facilities specified in this section shall not exceed the amount of ⁵(Two lac rupees) in a financial year.

⁶[(2) A Deputy Minister may get an advance for performing the journey abroad by Air.]

⁷[(5-BB. There shall be paid to the Deputy Minister, Constituency, Secretarial and Postal Facilities Allowances at the rate of ⁸{fifteen thousand rupees} per mensem and office allowance in constituency at the rate of five thousand rupees per mensem.]

⁹[5-C & 5-CC. Omitted.]

¹New Section 5-A added by Punjab Act No. 5 of 1970, which was modified by Act No. 25 of 1978 and Subs., vide Punjab Act No. 5 of 1992, Punjab Act No. 20 of 1995, amended vide Punjab Act No. 21 of 1998 and further amended vide Punjab Act No. 9 of 2003.

²Subs. by Punjab Act No. 16 of 2010, vide No. 24-Leg./2010, dt. 04.11.2010

³Amended vide Punjab Act No. 19 of 2004.

⁴Amended vide Punjab Act No. 5 of 1992, and further amended by Punjab Act No. 20 of 1995.

⁵Subs. by Punjab Act No. 16 of 2010, vide No. 24-Leg./2010, dt. 04.11.2010

⁶Subs. by Punjab Act No. 16 of 2010, vide No. 24-Leg./2010, dt. 04.11.2010

⁷New section inserted, vide Punjab Act No. 5 of 1992, amended by Punjab Act No. 21 of 1998, amended by Punjab Act No. 9 of 2003.

⁸Subs. by Punjab Act No. 16 of 2010, vide No. 24-Leg./2010, dt. 04.11.2010

⁹Omitted by Punjab Act No. 16 of 2010, vide No. 24-Leg./2010, dt. 04.11.2010

| | |
|---|---|
| Power to make Rules, etc.. | <p>6. The travelling allowance of the Deputy Minister shall be regulated in accordance with such rules as may be framed or adopted by the State Government from time to time:</p> <p style="padding-left: 40px;">Provided that no mileage or travelling allowance shall be chargeable in respect of journey performed in a State car.</p> |
| Salaries & allowances of CPS and Parliamentary Secretary | <p>¹[6-A. XXX XXX XXX XXX]</p> |
| Deputy Ministers not to draw salary or allowances as Members of the State Legislature | <p>7. No person in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by the State legislature by way of salary or allowance in respect of his membership of either House of the State Legislature.</p> |
| Salary, allowances and perquisites to be exclusive of income tax. | <p>²[7-A. The salary and allowances payable to a Deputy Minister and free furnished house and other perquisites admissible to him under this Act, shall be exclusive of income tax, which shall be payable by the State Government.]</p> <p>8. The Salaries and allowances of Deputy Minister Punjab, Ordinance, 1956, is hereby repealed.</p> |

¹Section 6A omitted vide Punjab Act No. 10 of 2006-, vide No. 10-Leg/2006, dt. 21-04-2006.

²Subs. vide Punjab Act No. 10 of 2006, vide No. 10-Leg/2006, dt. 21.04.2006.

7. 'THE PUNJAB STATE LEGISLATURE OFFICERS, MINISTERS AND MEMBERS (MEDICAL FACILITIES)

ACT, 1965

(Punjab Act No. 26 of 1965)

(Received the assent of the Governor of Punjab on the 21st November, 1965 and first published for general information in the Punjab Government Gazette (Extra-ordinary), Legislative Supplement Part-1 of 23rd November, 1965).

AN

ACT

to extend medical facilities to persons holding certain offices in the Punjab State.

Be it enacted by the Legislature of the State of Punjab in the Sixteenth Year of the Republic of India as follow:-

1. This Act may be called the Punjab State Legislature officers, Ministers and Members (Medical Facilities) Act, 1965.
2. (1) Notwithstanding anything contained in any other law for the time being in-force, every person holding, for the time being, any of the following offices shall be entitled to such medical facilities for himself and for members of his family as may be prescribed by rules made by the State Government in this behalf, namely:-

- I. The Chairman or the Deputy Chairman of the Punjab Legislative Council;
- II. The Speaker or the Deputy Speaker of the Punjab Legislative Assembly;
- III. A Minister or a Minister of State or a Deputy Minister of the Punjab State; or
- IV. A Member of the ²Punjab Legislative Council or Punjab Legislative Assembly.

¹For statement of Objects and Reasons see Punjab Government Gazettee (Extraordinary), 1964, Page 117.

²The Punjab Legislative Council stands abolished since 7th January, 1970.

(2) Every rule made under sub-section (1) shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total of ten days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree 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 under that rule.

8. 'THE PUNJAB MINISTERS' TRAVELLING ALLOWANCE RULES, 1953.

1. These Rules may be called the Punjab Ministers Travelling Allowance Rules, 1953.

2. They shall be deemed to have come into force with effect from the 1st April, 1953.

3. A Minister, when travelling by rail on duty, is entitled to-

- ²[(a) an air-conditioned 1st class coupe or if this be not available a First Class four-berth compartment or a single berth in an air-conditioned coach or a single seat in a rail-car between Kalka and Shimla;
- (aa) recover the actual travelling expenses subject to a maximum of twelve pies per mile;]
- (b) railway fare actually paid for not more than six personal servants at the lowest class rates; whether they travel with him or precede or follow him;
- (c) conveyance of all ³[personal effects] including stores carried for consumption, whether taken in the luggage van of the train or sent by another train;
- (d) the whole cost of conveyance of a motor car, when it has been employed for journeys made in the public interest and four-fifths of the cost of carriage where it has served personal convenience to an appreciable extent; and
- (e) in addition to the concessions mentioned above, a Minister may, for a journey by rail, draw half daily allowance for the days of departure from and arrival at Headquarters.

Notes:- (i) If on any one day, two separate journeys are performed one ending at and the other commencing from Head-quarters, one half daily allowance will be admissible in respect of each separate journey.

(ii) Where, in these Rules First Class railway accommodation is referred to, it includes accommodation of the class next below First Class available on a particular route.

4. (1) When travelling by road or steamer, otherwise than by a conveyance provided at State Expenses, a Minister may charge his actual travelling expenses on his own certificate that the amount charged has been actually paid and does not include any charge for refreshments, hotel or staging bungalows. In the alternative, he may, if he so chooses draw for journey by road-

- (a) mileage allowance of six rupees per kilometre;
- (b) actual expenses of the transport of –
 - (i) his personal servants up to a maximum number of six; and
 - (ii) all luggage for which he vouches as his personal effects including stores taken for consumption on tour, and

¹Published vide Punjab Government Notification No. 4436-P-53/32824, dt. 01.06.1953.

²Amended vide Notification No. GSR-74/PA(6)47/S.2A/Amd.(13)92, dated 29th October, 1992 w.e.f. 29th July, 1991.

³Subs. vide Punjab Government Notification No. 4609/P-C/54/13430, dated 12th June, 1954.

(c) Mileage allowance for carriage of empty cars by road, at six annas per mile.

(2) A Minister may while travelling by road or steamer draw half daily allowance for the days of departure from and arrival at Headquarters.

(3) A Minister may use his own private vehicle for official purpose subject to the following conditions, namely:-

(i) that this facility shall be available to a Minister who exercises his option to use his own private vehicle by surrendering Government vehicle allotted to him alongwith driver;

¹(ii) that the Minister concerned shall be entitled to an amount of Ten Thousand rupees per month for maintenance including the salary of driver;

(iii) that a mileage allowance at the rate of ²{fifteen rupees} per kilometre shall be paid to the Minister and this allowance is admissible for outstation journeys and for local journeys at the headquarter or in the towns which are visited by him]; and

(iv) that the log book shall be maintained as maintained for Government vehicle by the personal office and the genuineness and correctness of the same shall be certified by the Special Secretary, Secretary or Private Secretary of the Minister.

5. (a) A Minister may perform on duty, journey by air to any part of India, by the Executive Class in a Government machine or in the machine of a Public Air Transport Company.

(b) When travelling by air, a Minister is entitled to draw the fare paid for the journey by air and, if actually paid, the cost of transporting all personal effects by rail at passenger rates or by road and railway fares, actually paid, for not more than six personal servants at the lowest class rates, he may in the alternative draw travelling allowance, as is admissible to a Government servant of Class-1, under the rules contained in Chapter II of the Travelling Allowance Rules, Punjab Civil Services Rules (Volume-III) (First Edition, 1953). If, at either end of the journey by air, a Minister has to perform a connected journey by rail or road, he may draw travelling allowance admissible for such journeys under Rules 3 and 4 above. No allowance may, however, be drawn in respect of the surface transport which forms part of the air journeys and included in the fare paid for the air journey.

6. A Minister is entitled to travel beyond the limits of the State of Punjab on official business.

7. A Minister, may while on tour, draw daily allowance at the rate of ³[One thousand five hundred rupees] in addition to the above payments:

¹Subs. vide Pb. Govt. Notification No.2/2/2009-2Cabinet/3133, dt. 18.07.2013

²Subs. vide Pb. Govt. Notification No. GSR. 36/PA.VI/1947/S.2-A/Amd.(21)/2016, dt. 20.04.2016.

³Amendment vide Notification No. GSR34/PA.VI/1947/S2A/Amd. (20)/2015, dated 25th May, 2015.

Provided that-

- (i) the daily allowance for the days of departure from and arrival at headquarters shall be such as provided under Rules 3(e) and 4(2);
- (ii) in the case of a Minister, who is treated as a State Guest during an official visit outside the State of Punjab, his daily allowance shall be limited to one-fourth, if he is provided free board and lodging officially, and one-half, if he is charged either for board or for lodging.

8. On proceeding to join office, a Minister may, in respect of the journey from his home to the headquarters of Government, avail himself of all the travelling allowance facilities under these rules. Similar facilities from the headquarters of Government to his home, shall be allowed to a Minister on demitting office.

9. (1) Subject to sub-rule (2) below, when a Minister for whom special railway accommodation is provided or who is entitled under these rules, to reserve railway accommodation by requisition, travels in such reserved accommodation on tour, the entire cost of haulage is borne by the Government.

(2) Unless it be otherwise expressly provided in these rules, any person travelling with the Minister in the reserved accommodation must pay the usual fares to the railway by the purchase of the required number of first class tickets, and in every bill for travelling allowance in respect of journey performed in reserved accommodation, the Minister reserving the accommodation must specify the number of persons who travelled with him and certify that the necessary number of tickets were purchased by them.

Notes.- (1) The Minister reserving the accommodation shall be required before beginning the journey to have the number and other details of the tickets purchased for the persons travelling with him in the reserved accommodation entered on the requisition form by the Station Master of the Station from which the journey is commenced.

This is necessary in order to enable an adjustment to be made between the Civil and Railway Department in respect of the fares realised by the Railways. When, in the case of a Minister who travels in reserved railway accommodations, no travelling allowance bills received by the Audit Officer but only details are received on account of Railway Requisition, the Audit Officer will call for a certificate from the Minister

to the effect that the journey covered by the requisition was on public duty.

(2) If it is necessary in the public interest for a Private Secretary, a Stenographer or a Clerk to accompany a Minister in the reserved accommodation then he may do so, even when the number of persons travelling in the reserved accommodation already exceeds the number of fares charged by the Railway for reserving the accommodation: provided that he purchases a ticket of the class of accommodation in which he is entitled to travel. In such a case, the Minister shall certify in the bill for his travelling allowance that it was in the interest of the public service that the Private Secretary, Stenographer or Clerk travelled with him in the reserved accommodation and that he actually purchased a ticket of the class to which he was entitled. The cost of the ticket will not be deducted from the charge on account of haulage of reserved accommodation payable to the Railway.

10. (1) A Minister is entitled to a conveyance allowance of Rs. 10,000/- per mensem. This is not subject to any reduction for any day for which ordinary travelling allowance is drawn. The State Government shall, however, be competent to provide for a Minister a State Car, in lieu of the conveyance allowance, and when a state car is so provided, the expenses for maintenance and propulsion shall be borne by the state government.

(2) While performing journeys on tour in a state car, the Minister shall be entitled to daily allowance only. For private journeys within a radius of ten miles from the place of halt while on tour or the headquarters, nothing shall be charged from the Minister but in respect of a such portion of journeys as are beyond a radius of the aforesaid ten miles, the minister shall provide petrol and mobile oil at his own expense, provided that if the place of halt is Delhi, 20 miles shall be substituted for ten in this sub-clause.

Note:- A Minister who uses a State car for a private journey beyond a radius of *10 or 20 miles as the case may be, shall record a certificate in the following form on the T.A. Bill:-

"Certified that the charges for the private journey(s) performed in the State car beyond radius of *10/ 20 miles of ** _____ on _____ have actually been paid to Government account, vide Treasury Voucher/ Challan No. _____, dated _____.

*Strike off whichever inapplicable.

**Herein indicate the place of halt.

(3) ¹[An advance may be made to a Minister, proceeding on a long and expensive tour, of an amount sufficient to cover his personal travelling expenses, subject to adjustment, on completion of the tour or the 31st day of March, whichever is earlier, against the amount of travelling allowance admissible to him.]

²11. (1) When a Minister goes to a place outside his headquarters at his own expense or at the expense of an organisation other than Government ³(***), whether in connection with an election to the State Legislature or Parliament or any local body or for any other private work, he may be allowed air-conditioned/1st class railway fare or the fare for journey by air or for a single seat in a rail-car as the case may be, if he is required in public interest to come back at the headquarters or at any other place in the state by interrupting the election or private work in connection with which he had gone :

Provided that if, in the absence of railway service or train connections, the journey is performed by the Minister by bus or private car or by ferry in part or in whole he may be allowed his actual travelling expenses, his certificate to the effect that the amount charged was actually paid and does not include any charges for refreshments, hotel or staying bungalow.

(2) The concession mentioned in sub-rule (1) will also be admissible to the Minister for his return journey to the place from which he was required to come in public interest, provided such return journey is performed within twenty-four hours of his arrival at the headquarter or at any other place in the State as the case may be.]

Note: The word "Minister" wherever occurring in these rules, shall include "Chief Minister"

Sd/-

E.N. MANGAT RAI.

Chief Secretary to Government, Punjab.

¹Added vide Punjab Government Notification No. 10237 P 1-59/38859, dt. 15.12.1959 and further amended vide Notification No. GSR/19/PA/6/47/52A/Amd.(17)/2003, dt. 29.04.2003.

²Added vide Punjab Government Notification No. 9299 - P - 60 28887, dated 21st November, 1960.

³The words "or on free railway pass admissible to journeys of such be" omitted vide Punjab Government Notification No. Pol-2(2)-61/12223, dated the 20th May, 1961.

**9. NOTIFICATION REGARDING APPLICABILITY OF THE
PUNJAB MINISTERS' TRAVELLING ALLOWANCE RULES,
1953 TO DEPUTY MINISTERS, CHIEF PARLIAMENTARY
SECRETARY AND PARLIAMENTARY SECRETARY.**

A) GOVERNMENT OF PUNJAB

DEPARTMENT OF GENERAL ADMINISTRATION

(CABINET AFFAIRS BRANCH)

Notification

The 29th October, 1992

No.S.O.79/P.A./22/56/S.6/92.-In supersession of Punjab Government, Home Department, Political, Notification No. 4237-P(c)-56/5563, dated the 26th September, 1956, republished with Punjab Government, Home Department Political, Notification No. G.S.R.27/P.A.22/56/S.6/62, dated the 29th January, 1962 and in exercise of the powers conferred by Section 6 of the Salaries and Allowances of the Deputy Ministers' Punjab Act, 1956 and all other powers enabling him in this behalf, the Governor of Punjab Ministers' Travelling Allowance Rules, 1953 as amended from time to time, shall apply mutatis mutandis to the Deputy Ministers for appointment and the Deputy Ministers shall be their own controlling officers for the purpose of countersigning their travelling allowance bills.

Sd/-

A.S. CHATHA,

Chief Secretary to Government, Punjab

B) GOVERNMENT OF PUNJAB
DEPARTMENT OF GENERAL ADMINISTRATION
(CABINET AFFAIRS BRANCH)

Notification

The 29th October, 1992

No.S.O.80/Const./Art/283/92.-In supersession of Punjab Government, Home Department, Political, Notification No. 410-P(C)-(1)-56/5168, dated the 14th December, 1956, republished with Punjab Government, Home Department Political, Notification No. G.S.R.28/Const./Art/283/62, dated the 29th January, 1962 and in exercise of the powers conferred by clause (2) of Article 283 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Punjab is pleased to prescribe by rule that the Punjab Ministers' Travelling Allowance Rules, 1953 as amended from time to time, shall apply mutatis mutandis to the Chief Parliamentary Secretaries for the State of Punjab from the date of their appointments. The Governor of Punjab is further pleased to direct that the Chief Parliamentary Secretaries shall be their own Controlling Officers for the purpose of countersigning their Travelling Allowance and Contingent Bills.

Sd/-

A.S. CHATHA,
Chief Secretary to Government, Punjab

C) GOVERNMENT OF PUNJAB
DEPARTMENT OF GENERAL ADMINISTRATION
(CABINET AFFAIRS BRANCH)

Notification

The 29th October, 1992

No.S.O.81/Const./Art/283/92.--In supersession of Punjab Government, Home Department, Political, Notification No. G.S.R. 76-Pol.2(2)-62/9083, dated the 1st May, 1962 and in exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Punjab is pleased to prescribe by rule that the Punjab Ministers' Travelling Allowance Rules, 1953 as amended from time to time, shall apply mutatis mutandis to the Parliamentary Secretaries for the State of Punjab from the date of their appointments. The Governor of Punjab is also pleased to direct that the Parliamentary Secretaries shall be their own Controlling Officers for the purpose of countersigning their Travelling Allowance and Contingent Bills.

Sd/-
A.S. CHATHA,
Chief Secretary to Government, Punjab

D) GOVERNMENT OF PUNJAB
DEPARTMENT OF GENERAL ADMINISTRATION
(CABINET AFFAIRS BRANCH)

Notification

The 4th May, 2006

No. 2/1/2005-5-Cabinet/2252 In exercise of the powers conferred by Article 162 of the Constitution of India, the Governor of Punjab is pleased to make the following rules governing the terms and conditions of appointment of Parliamentary Secretaries and Chief Parliamentary Secretaries, namely:-

1. Short title and commencement

- (1) These rules may be called the Punjab Parliamentary Secretaries and Chief Parliamentary Secretaries (Terms and Conditions of Appointment) Rules, 2006.
- (2) They shall come into force on and with effect from the date of their publication in the official gazette.

2. Definitions

In these rules, unless the context otherwise requires,-

- (a) 'Government' means the Government of the State of Punjab in the Department of General Administration.
- (b) 'Parliamentary Secretary' or 'Chief Parliamentary Secretary' means a Member of the Punjab Vidhan Sabha who is appointed as Parliamentary Secretary or Chief Parliamentary Secretary, as the case may be; and
- (c) 'Minister' means a Cabinet Minister, a Minister of State or a Deputy Minister.

3. Creation of Post

The Government may create such number of posts of Parliamentary Secretaries or Chief Parliamentary Secretaries, as it may consider necessary from time to time.

4. Qualifications

Only the Members of the Punjab Vidhan Sabha shall be qualified for appointment as Parliamentary Secretary and Chief Parliamentary Secretary.

5. Mode of Appointment

The Chief Minister, in consultation with the Speaker of the Punjab Vidhan Sabha and with the approval of the Governor, will be competent to make appointment of a Parliamentary Secretary or Chief Parliamentary Secretary.

6. Functions

The Parliamentary Secretary or the Chief Parliamentary Secretary may be deputed by the Chief Minister to assist such Minister, as may be decided by him. The Parliamentary Secretary or the Chief Parliamentary Secretary so deputed, will function as an intermediary channel between the Administrative Secretary and the Minister.

7. Tenure

The Parliamentary Secretary or the Chief Parliamentary Secretary shall hold office during the pleasure of the Governor.

8. Salary and Allowances

The Parliamentary Secretary and the Chief Parliamentary Secretary shall be entitled to such Salary and Allowances as may be notified by the Government from time to time.

Sd/-

SATISH CHANDRA, IAS
Secretary to Government of Punjab
Department of General Administration
(General Coordination)

**E) GOVERNMENT OF PUNJAB
DEPARTMENT OF GENERAL ADMINISTRATION
(CABINET AFFAIRS BRANCH)**

Notification

The 23rd November, 2006

No.2/ 1/ 2005-Cabinet/ 5857 The Governor of Punjab is pleased to make the following Rules governing the Travelling Allowance of Chief Parliamentary Secretaries and Parliamentary Secretaries namely:-

1. These rules may be called the Punjab Chief Parliamentary Secretaries and Parliamentary Secretaries Travelling Allowance Rules, 2006.
2. They shall be deemed to have come into force with effect from the 5th July, 2006.
3. A Chief Parliamentary Secretary and Parliamentary Secretary when travelling by rail on duty is entitled to-
 - (a) an air-conditioned Ist class coupe or if this be not available a First Class four-berth compartment or a single berth in an air-conditioned coach or a single seat in a rail-car;
 - (aa) recover the actual travelling expenses;
 - (b) railway fare actually paid for not more than six personal servants at the lowest class rates: whether they travel with him or precede or follow him;
 - (c) conveyance of all personal effect including stores carried for consumption, whether taken in the luggage van of the train or sent by another train;
 - (d) the whole cost of conveyance of a motor car, when it has been employed for journeys made in the public interest and four-fifths of the cost of carriage where it has served personal convenience to an appreciable extent; and
 - (e) in addition to the concessions mentioned above, a Chief Parliamentary Secretary and Parliamentary Secretary may, for a journey by rail, draw half daily allowance for the days of departure from and arrival at Headquarters.

Notes (i) If on any one day, two separate journeys are performed one ending at and the other commencing from Headquarters, one half daily allowance will be admissible in respect of each separate journey.

(ii) Where, in these Rules first class railway accommodation is referred to, it includes accommodation of the class next below (first class) available on a particular route.

4. (1) When travelling by road or steamer, otherwise than by a conveyance provided at State expenses, a Chief Parliamentary Secretary and Parliamentary Secretary may charge his actual travelling expenses on his own certificate that the amount charged has been actually paid and does not include any charge for refreshments, hotel or staying bungalows. In the alternative, he may, if he so chooses draw for journey by road:

- (a) mileage allowance of six rupees per kilometre.
- (b) actual expenses of the transport of-
 - (i) his personal servants up to a maximum number of six; and
 - (ii) all luggage for which he vouches as his personal effects including stores taken for consumption on tour, and

(2) A Chief Parliamentary Secretary and Parliamentary Secretary may while travelling by road or steamer draw half daily allowance for the days of departure from and arrival at Headquarter.

(3) A Chief Parliamentary Secretary and Parliamentary Secretary may use his own private vehicle for official purpose subject to the following conditions, namely:-

- (i) that his facility shall be available to a Chief Parliamentary Secretary and Parliamentary Secretary and Parliamentary Secretary who exercises his option to use his own private vehicle by surrendering Government vehicle allotted to him along with driver.
- (ii) that the Chief Parliamentary Secretary and Parliamentary Secretary concerned shall be entitled to an amount of five thousand and five hundred rupees per month for maintenance and local journeys (including the salary of driver).
- (iii) ¹[that a mileage allowance at the rate of ²{fifteen rupees} per kilometre shall be paid to Chief Parliamentary Secretary and Parliamentary Secretary and this allowance is admissible for outstation journeys and for local journeys at the headquarters or in the towns which are visited by him.]; and

¹Subs. vide Punjab Govt. (Deptt. of General Admn. (Cabinet Affairs Branch) Notification No. 2/2/2009-2Cabinet/507179/1A, dated 11.06.2015.

²Subs. vide Punjab Govt. (Deptt. of General Admn. (Cabinet Affairs Branch) Notification No. 2/2/2009-2Cabinet/735964/1, dated 21.03.2016.

- (iv) that the log book shall be maintained as maintained for Government vehicle by the personal office and the genuineness and correctness of the same shall be certified by the Special Secretary, Secretary or Private Secretary of the Chief Parliamentary Secretary and Parliamentary Secretary.
5. (a) A Chief Parliamentary Secretary and Parliamentary Secretary may perform on duty, journey by air to any part of India, by the Executive class in a Government machine or in the machine of a Public Air Transport Company.
- (b) When travelling by air, a Chief Parliamentary Secretary and Parliamentary Secretary is entitled to draw the fare paid for the journey by air and, if actually paid, the cost of transporting all personal effects by rail at passenger rates or by road and railway fares, actually paid, for not more than six personal servants at the lowest class rates. He may in the alternative draw travelling allowance, as is admissible to a Government servant of Class I. If, at either end of the journey by air, a Chief Parliamentary Secretary and Parliamentary Secretary has to perform a connected journey by rail or road, he may draw travelling allowance admissible for such journeys under Rules 3 and 4 above. No allowance may, however be drawn in respect of the surface transport which forms part of the air journeys and included in the fare paid for the air journey.
6. A Chief Parliamentary Secretary and Parliamentary Secretary is entitled to travel beyond the limits of the State of Punjab on official business.
7. A Chief Parliamentary Secretary and Parliamentary Secretary, may while on tour, draw daily allowance at the rate of ¹[One thousand five hundred rupees] in addition to the above payments:

Provided that-

- (i) the daily allowance for the days of departure from and arrival at headquarters shall be such as provided under Rules 3(e) and 4(2);
- (ii) in the case of a Chief Parliamentary Secretary and Parliamentary Secretary, who is treated as a State Guest during an official visit outside the State of Punjab, his daily allowance shall be limited to one-fourth, if he is provided free board and lodging officially, and one-half, if he is charged either for board or for lodging.

¹Subs. vide Punjab Govt. (Deptt. of General Admn. (Cabinet Affairs Branch) Notification No. 2/2/2009-2Cabinet/507179/1A, dated 11.06.2015.

8. On proceeding to join office, a Chief Parliamentary Secretary and Parliamentary Secretary may, in respect of the journey from his home to the headquarters of Government, avail himself of all the travelling allowance facilities under these rules. Similar facilities from the headquarters of Government to his home, shall be allowed to a Chief Parliamentary Secretary and Parliamentary Secretary on demitting office.

9. (1) Subject to sub-rule (2) below, when a Chief Parliamentary Secretary and Parliamentary Secretary for whom special railway accommodation is provided or who is entitled, under these rules, to reserve railway accommodation by requisition, travels in such reserved accommodation on tour, the entire cost of haulage is borne by the Government.

(2) Unless it be otherwise expressly provided in these rules, any person travelling with the Chief Parliamentary Secretary and Parliamentary Secretary in the reserved accommodation must pay the usual fares to the railway by the purchase of the required number of first class tickets, and in every bill for travelling allowance in respect of journey performed in reserved accommodation, the Chief Parliamentary Secretary and Parliamentary Secretary reserving the accommodation must specify the number of persons who travelled with him and certify that the necessary number of tickets were purchased by them.

Notes- (1) The Chief Parliamentary Secretary and Parliamentary Secretary reserving the accommodation shall be required before beginning the journey to have the number and other details of the tickets purchased for the persons travelling with him in the reserved accommodation entered on the requisition form by the Station Master of the Station from which the journey is commenced. This is necessary in order to enable an adjustment to be made between the Civil and Railway Departments in respect of the fares realized by the Railway. When, in the case of a Chief Parliamentary Secretary and Parliamentary Secretary who travels in reserved railway accommodations, no travelling allowance bills received, by the Audit Officer but only debits, are received on account of Railway Requisition, the Audit Officer will call for a certificate from the Chief Parliamentary Secretary and Parliamentary Secretary to the effect that the journey covered by the requisition was on public duty.

(2) If it is necessary in the public interest for a Private Secretary, a

Stenographer or a Clerk to accompany a Chief Parliamentary Secretary and Parliamentary Secretary in the reserved accommodation, then, he may do so, even when the number of persons travelling in the reserved accommodation already exceeds the number of fares charged by the Railway for reserving the accommodation; provided that he purchases a ticket for the class of accommodation in which he is entitled to travel. In such a case, the Chief Parliamentary Secretary and Parliamentary Secretary shall certify in the bill for his travelling allowance that it was in the interest of the public service that the Private Secretary, Stenographer or Clerk travelled with him in the reserved accommodation and that he actually purchased a ticket of the class to which he was entitled. The cost of the ticket will not be deducted from the charge on account of haulage of reserved accommodation payable to the Railway.

10. (1) A Chief Parliamentary Secretary and Parliamentary Secretary is entitled to a conveyance allowance of Rs. 10,000/- per mensem. This is not subject to any reduction for any day for which ordinary travelling allowance is drawn. The State Government shall, however, be competent to provide for a Chief Parliamentary Secretary and Parliamentary Secretary a State Car, in lieu of the conveyance allowance, and when a State Car is so provided, the expenses for maintenance and propulsion shall be borne by the State Government.

(2) While performing journeys on tour in the State Car, the Chief Parliamentary Secretary and Parliamentary Secretary shall be entitled to daily allowance only. For Private journeys within a radius of 16 KM from the place of halt while on tour or the headquarters, nothing shall be charged from the Chief Parliamentary Secretary and Parliamentary Secretary but in respect of such portion of journeys as are beyond a radius of the aforesaid 16 Kilometre, the Chief Parliamentary Secretary and Parliamentary Secretary shall provide petrol and mobil oil at his own expenses; provided that if the place of halt is Delhi, 32 Kilometre shall be substituted for 16 KM in this sub-clause.

Note- A Chief Parliamentary Secretary and Parliamentary Secretary, who uses a State Car for a private journey beyond a radius of *16/ 32 Kilometre as the case may be, shall record a certificate in the following form on the T.A. Bill:-

"Certified that the charges for the private journey(s) performed in the State Car beyond radius of *16/32 Kilometre of ** _____ on _____ have actually been paid to Government account,- vide Treasury/Voucher/Challan. _____ dated _____.

*Strike off whichever is inapplicable.

**Herein indicate the place of halt."

(3) An advance may be made to a Chief Parliamentary Secretary and Parliamentary Secretary, proceeding on a long and expensive tour, of an amount sufficient to cover his personal travelling expenses, subject to adjustment, on completion of the tour or the 31st day of March, whichever is earlier, against the amount of travelling allowance admissible to him.

11. (1) When a Chief Parliamentary Secretary and Parliamentary Secretary goes to a place outside his headquarters at his own expense or at the expense of an Organization other than Government, whether in connection with an election to the State Legislature or Parliament or any local body or for any other private work, he may be allowed air-conditioned/Ist Class railway fare or the fare for journey by air or for a single seat in a rail-car, as the case may be, if he is required in public interest to come back at the headquarters or at any other place in the State by interrupting the election or private work in connection with which he had gone: Provided that if, in the absence of railway service or train connections the journey is performed by the Chief Parliamentary Secretary and Parliamentary Secretary by bus or private car or by ferry in part or in whole he may be allowed his actual travelling expenses on his certificate to the effect that the amount charged was actually paid and does not include any charges for refreshments, hotel or staying bungalow.
- (2) The concession mentioned in sub-rule(1) will also be admissible to the Chief Parliamentary Secretary and Parliamentary Secretary for his return journey to the place from which he was required to come in public interest provided such return journey is performed within twenty four hours of his arrival at the headquarters or at any other place in the State, as the case may be.

SATISH CHANDRA, IAS
Secretary to Government of Punjab
Department of General Administration
(General Coordination)

Endst.No.2/1/2005-Cabinet/5941 Dated,Chandigarh, the 23rd Nov., 2006.

A copy is forwarded for information and necessary action to:-

1. The Principal Accountant General (A&E), Punjab, Chandigarh.
2. The Principal Accountant General (Audit) Punjab, Chandigarh
3. The Treasury Officer, Punjab, Chandigarh

Sd/-

Superintendent

Endst. No. 2/1/2005-Cabinet/5942-71 Dated, Chandigarh the 23rd Nov., 2006

A copy is forwarded to the following for information and necessary action please: -

1. The Principal Secretary to Governor, Punjab, Chandigarh
2. The Principal Secretary to Chief Minister, Punjab
3. The Private Secretary/Chief Secretary, Punjab
4. Secretary, Government of Punjab, Secretariat Administration, Punjab
Civil Secretariat, Chandigarh
5. The Under Secretary, Accounts, Punjab Civil Secretariat
6. The Under Secretary (General), Punjab Civil Secretariat

Sd/-

Superintendent

Endst. No. 2/1/2005-Cabinet/5948 Dated, Chandigarh the 23rd Nov., 2006

A copy is forwarded to the Private Secretary to the Chief Parliamentary Secretaries/Parliamentary Secretaries for information of Chief Parliamentary Secretaries/Parliamentary Secretaries.

Sd/-

Superintendent

Endst. No. 2/1/2005-Cabinet/5949 Dated, Chandigarh the 23rd Nov., 2006

A copy is forwarded to Secretary, Punjab Vidhan Sabha, Chandigarh for information.

Sd/-

Superintendent

[Extract from the Punjab Govt. Gaz. (Extra), dated the 11th June, 2015]

**F) GOVERNMENT OF PUNJAB
DEPARTMENT OF GENERAL ADMINISTRATION
(CABINET AFFAIRS BRANCH)
ORDER**

In supersession of orders issued vide No. 2/1/2005-Cabinet/3317-38, dated 27.07.2006 and No. 2/2/2009-2 Cabinet/7576-78 dated 18.11.2010, the Governor of Punjab is pleased to accord sanction to pay Salary, Allowances, Amenities and Privileges to the Chief Parliamentary Secretaries and Parliamentary Secretaries as under:-

1) Salary & Other Allowances

They shall be paid salary @Rs. 40,000/- per month, Sumptuary Allowance @Rs. 5000/- per month, Compensatory Allowance @ Rs. 5,000/- per month, Constituency, Secretarial and postal facilities allowance @ Rs. 25,000/- per month and Office allowance in Constituency @ Rs. 10,000/- per month.

2) Medical Facility

Chief Parliamentary Secretary and Parliamentary Secretary shall be entitled, for himself and for members of his family, medical reimbursement as per the actual medical bills submitted.

3) Residence

Chief Parliamentary Secretary/ Parliamentary Secretary shall be provided with free furnished house, the maintenance charges of which shall be borne by the State Govt. or in lieu of such house, he shall be paid such monthly allowance, as may be specified in the rules as may be framed by the State Govt. from time to time. The State Govt. may also allow him to continue in free occupation of the house provided to him for a period not exceeding fifteen days from the date of his ceasing to be a Chief Parliamentary Secretary and Parliamentary Secretary.

4) Free Installation of telephone

1) Every Chief Parliamentary Secretary/ Parliamentary Secretary 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 Chief Parliamentary Secretary/ Parliamentary Secretary himself and the amount so paid shall be reimbursed to the Chief Parliamentary Secretary/ Parliamentary Secretary, by the Government, on production of receipts obtained from the Posts and Telegraph Department;

2) Each Chief Parliamentary Secretary/Parliamentary Secretary shall be entitled for Rs. Fifteen thousand per month as telephones allowance for the telephones mentioned in Section-4 (1).

5) Free Transit

Every Chief Parliamentary Secretary/ Parliamentary Secretary along with 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 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 him.

Provided that where a Chief Parliamentary Secretary/ Parliamentary Secretary travels by his own motor car and furnishes a cash receipt from a licensed dealer indicating the name of Chief Parliamentary Secretary/ Parliamentary Secretary, 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.

Provided further that the total expenses incurred for the facilities specified shall not exceed the amount of three lac rupees once in a financial year of actual expenditure incurred on furnishing of his/ her statement with regard to utilization of funds. He/ She shall also be entitled to get an advance for performing the journey by Air abroad.

6) Salary, allowances and perquisites to be exclusive of income-tax.

The salary and allowances payable to a Chief Parliamentary Secretary/Parliamentary Secretary and free furnished house and other perquisites admissible to them, shall be exclusive of income-tax which shall be payable by the State Government.

7) Conveyance Allowance

1) Each Chief Parliamentary Secretary/ Parliamentary Secretary

shall be provided with a State Car, the expenses on the Maintenance and propulsion of which shall be borne by the State Government.

2) If a Chief Parliamentary Secretary/ Parliamentary Secretary does not avail of or surrenders his State Car and wishes to use his private vehicle for official purpose, he will be paid such allowance, as may be specified in the Travelling Allowance Rules made by the State Government from time to time.

8) Provision of Laptop

Each Chief Parliamentary Secretary/ Parliamentary Secretary shall be entitled for one Laptop.

9) Travelling Allowance

Travelling Allowance of Chief Parliamentary Secretary and Parliamentary Secretary shall be regulated in accordance with such rules as may be framed or adopted by the State Govt. from time to time.

10) Head of Account

The expenditure involved will be met from the Head of Account "2052-Secretariat General Services."

2. This issue with the concurrence of the Finance Department conveyed vide their I.D. No. 14/43/2003-3F.E./413425/1 dated 12.2.2015.

Chandigarh
The 21st May, 2015

K.A.P. SINHA, IAS
Secretary to Government of Punjab
Department of General Administration

**10. THE PUNJAB LEGISLATIVE ASSEMBLY (GRANT OF
ADVANCE TO MINISTERS) RULES, 1979**

- 1. Short title:** - These rules, may be called the Punjab Legislative Assembly (Grant of Advance to Ministers) Rules, 1986.
- 2. Definitions:** - In these rules, unless there is anything repugnant in the subject or context, -
 - (a) 'Act' means the East Punjab Ministers' Salaries Act, 1947 (Punjab Act No. VI of 1947);
 - (b) 'Family' means the spouse of the Minister and the legitimate children and step children residing with and wholly dependent upon the Minister;
 - (c) 'Government' means the Government of the State of Punjab in the Department of General Administration (Cabinet Affairs Branch); and
 - (d) 'Sanctioning Authority' means the Chief Secretary to Government of Punjab.
- 3. Application for the grant of advance for the construction of a house.-** A Minister desirous of getting advance for the construction of a house shall apply to the Sanctioning Authority in Form 'A'.
- 4. Conditions for grant of house building advance. -** The Sanctioning Authority shall sanction a repayable advance for the construction of a house subject to the following conditions: -
 - (i) The Minister concerned must certify that the advance is actually required for building a house for occupation by himself, where he intends to settle down;
 - (ii) The land or plot which is free-hold or lease-hold alongwith building to be erected thereupon shall be mortgaged to the Government in Form 'B' or Form 'C' as the case may be, before any instalment of advance is drawn by the Minister concerned;
 - (iii) The advance shall be disbursed in four instalments depending upon the stage of construction and the amount of each instalment shall be as under: -
 - (a) first instalment : equal to twenty per cent of the advance at the time of starting construction;
 - (b) second instalment : equal to twenty per cent of the advance after the house has been completed up to plinth level;

(c) third instalment : equal to thirty per cent of the advance after the house has been constructed up to roof level;

(d) fourth instalment : equal to thirty per cent, i.e. the balance amount of the advance, after the roof has been completed:

Provided that the second and subsequent instalment shall be released only when the Minister furnishes an affidavit to the Sanctioning Authority to the effect that the amount of an instalment previously drawn has actually been utilized for the purpose for which it was drawn.

(iv) The Minister shall forthwith refund to the Government the amount, if any, which is not spent for the purpose for which it was drawn;

(v) The house shall be maintained in good condition at the cost of the Minister concerned and municipal and other local taxes in respect of the house shall be regularly paid by him until the advance alongwith interest is repaid to the Government.

5. Advance for purchasing a house. - (1) A Minister desirous of getting advance for purchasing a house shall apply to the Sanctioning Authority in Form 'D'.

(2) The application referred to in sub-rule(1) shall be accompanied by an 'agreement to sell' in Form 'E' executed by the intended seller.

6. Conditions for grant of advance for purchase of a house. - The Sanctioning Authority shall sanction the repayable advance for purchase of a house to a Minister subject to the following conditions: -

(i) The house must be purchased within one month from the drawal of the said advance;

(ii) A satisfactory proof of the purchase of the house shall be submitted to the Sanctioning Authority immediately after the purchase is made;

(iii) The Minister shall within a fortnight refund the surplus amount to the Government, if the amount of advance is more than what is actually spent for the purchase of a house;

(iv) The Minister shall mortgage the house purchased with the advance and built on a plot which is free-hold or lease-hold in favour of the Governor of Punjab in Form 'B' or Form 'C' as the case may be, within a period of fifteen days from the date of purchase thereof;

(v) The house shall be maintained in good condition at the cost of

the Minister concerned and the municipal and other local taxes in respect of the house shall regularly be paid by him until the advance alongwith interest is repaid to the Government.

7. Grant of advance for the purchase of a Motor-Car, Jeep, Motor-Cycle, Scooter or for conversion of a petrol driven Motor-car or a Jeep to a diesel driven vehicle.- (1) A Minister desirous of getting advance for the purchase of a Motor-Car, Motor-Cycle, Scooter or for conversion of a Petrol driven Motor-Car or a Jeep to a diesel driven vehicle shall apply to the Sanctioning Authority in Form 'F' accompanied by an irrevocable bank guarantee worth not less than the amount of advance required or a surety bond in Form 'H' executed by the person having immovable property worth not less than the amount of advance required.

vide - Notification dated 26th May, 1986.

(2) The Sanctioning Authority shall sanction a repayable advance to a Minister for purchase of Motor-Car, Jeep, Motor-Cycle or a Scooter subject to the condition that the Minister shall -

- (i) execute an agreement in Form 'I' before the drawal of the advance;
- (ii) purchase the vehicle within a period of one month from the date of drawal, of the advance:

Provided that where a Minister has deposited the amount for the purchase of the vehicle with the dealer in time and the delay in taking its delivery is beyond his control, he may take delivery within an extended period not exceeding three months from the date of drawal of the advance;

- (iii) hypothecate the vehicle in favour of the Government in Form 'G' before its registration or within a period of fifteen days from the date of purchase thereof, whichever is earlier;
- (iv) get the vehicle comprehensively insured for the period the advance along with the interest is not fully repaid; and
- (v) while applying for registration, state that the vehicle is subject to hypothecation in favour of the Government and envisaged in Form 'E' set forth in the First Schedule appended to the Motor Vehicle Act, 1939.

(3) The Sanctioning Authority shall sanction repayable advance to the Minister for conversion of a petrol driven Motor-Car or a Jeep to a diesel driven vehicle subject to the condition that the Minister shall-

- (i) execute an agreement in Form 'I' before the drawal of the advance;

- (ii) get the petrol driven Motor-Car or a Jeep converted to a diesel driven vehicle within a period of one month from the date of the drawal of the advance;
 - (iii) hypothecate the petrol driven Motor-Car or a Jeep to be converted to diesel driven vehicle in favour of the Government in Form 'G' before the drawal of the advance; and
 - (iv) get the said diesel driven vehicle comprehensively insured for the period the advance along with interest is not fully repaid.
- (4) The Sanctioning Authority shall furnish to the Accountant General, Punjab, a certificate to the effect that a deed in Form 'G' hypothecating the vehicle in favour of the Government has been got executed from the Minister concerned and that it has been found to be in order.

8. Safe custody of the mortgage deed.- The Sanctioning Authority shall ensure that the mortgage deed, surety bond and the hypothecation deed referred to in Rules 4, 6 and 7 are duly executed and placed by him in safe custody.

9. Disbursement of advance. - The amount of advance sanctioned under Rules 4, 6 and 7 shall be drawn and disbursed to the Minister concerned by the Sanctioning Authority.

10. Misutilisation of the advance or furnishing of false information.- Utilisation of the advance for a purpose other than that for which it is sanctioned for furnishing of the false certificate or making any false statement in the application for obtaining advance shall render the Minister liable to refund to Government forthwith entire advance drawn by him alongwith interest in addition to penal interest at such rate as may be specified by the Government from time to time.

11. Interest.- In respect of the advance sanctioned under Rules 4, 6 and 7, interest shall be charged at the same rate at which it is charged by the Government from time to time on such advances made to its Class-I Officers.

Notes. - (1) The interest shall be rounded off to the nearest rupee that is less than fifty paise shall be ignored while fifty paise and above shall be taken as rupee.

(2) The interest shall be calculated on balance outstanding on the last day of each month by the Sanctioning Authority.

(3) In case where the advance is drawn in more than one instalment, the rate of interest applicable shall be determined with reference to the date on which the first instalment is drawn.

(4) The interest shall also be recoverable alongwith the principal amount in the manner indicated in Rule 13.

(5) The Audit Office shall check the correctness of the interest to be recovered from the Minister.

12. Penal interest. - Without prejudice to any other action that may be taken under these rules, a Minister who is found to have misutilised the advance or has not fulfilled all or any of the conditions of the sanction or has retained the amount of the advance beyond the period specified for utilisation, a penal interest shall be charged at such rate as the Government may from time to time specify.

13. Recovery of advance. - (1) The advance sanctioned under Rules 4, 6 and 7 shall be repayable in equated monthly instalments commencing from the month immediately succeeding that in which the advance has been drawn. The instalment of the advance shall be so regulated that the entire amount of advance along with interest is recovered from the Minister within a period of ten years from the date of drawal of the advance:

Provided that if a Minister fails to pay any instalment of the advance on the due date, the whole amount of advance or so much thereof as shall then remain due and unpaid along with the interest shall become payable immediately;

Provided further that in the event of the demise of the Minister, the amount of the advance or so much thereof as shall then remain due and unpaid shall become payable forthwith to the Government with interest due thereon and in the event of failure by the legal heirs of the Minister to deposit the same within a period of one month from the date of demise, the same shall be recovered from the sale of the property mortgaged.

(2) The amount of advance along with interest or any balance due from any Minister shall, without prejudice to other rights and remedies of the Government, also be recoverable from the pension, if any, admissible to him under the Punjab State Legislature Members (Pension and Medical Facilities Regulation) Act, 1977.

14. Sale of House or Vehicles.- The house constructed or purchased or the vehicle purchased or converted to a diesel driven vehicle with the aid of advance under these rules shall not be sold without previous permission of the Government so long such advance together with interest accrued thereon has not been fully repaid.

Vide Notification dated 26th May, 1986.

11. THE PUNJAB LEGISLATIVE ASSEMBLY (GRANT OF ADVANCE TO DEPUTY MINISTERS) RULES, 1979

1. Short title. - These rules, may be called the Punjab Legislative Assembly (Grant of Advance to Deputy Ministers) Rules, 1986.

2. Definitions. - In these rules, unless there is anything repugnant in the subject or context,-

- (a) 'Act' means the Salaries and Allowances of Deputy Minister, Punjab Act, 1956 (Punjab Act No. 22 of 1956);
- (b) 'Family' means the spouse of the Deputy Minister and the legitimate children and step children residing with and wholly dependent upon the Deputy Minister;
- (c) 'Government' means the Government of the State of Punjab in the Department of General Administration (Cabinet Affairs Branch); and
- (d) 'Sanctioning Authority' means the Chief Secretary to Government of Punjab.

3. Application for the grant of advance for the construction of a house.- A Deputy Minister desirous of getting advance for the construction of a house shall apply to the Sanctioning Authority in Form 'A'.

4. Conditions for grant of house building advance.- The Sanctioning Authority shall sanction a repayable advance for the construction of a house subject to the following conditions: -

- (i) The Deputy Minister concerned must certify that the advance is actually required for building a house for occupation by himself, where he intends to settle down;
- (ii) The land or plot which is free-hold or lease-hold alongwith building to be erected thereupon shall be mortgaged to the Government in Form 'B' or From 'C' as the case may be, before any instalment of advance is drawn by the Deputy Minister concerned;
- (iii) The advance shall be disbursed in four instalments depending upon the stage of construction and the amount of each instalment shall be as under: -
 - (a) first instalment : equal to twenty per cent of the advance at the time of starting construction;
 - (b) second instalment : equal to twenty per cent of the advance after the house has been completed upto plinth level;

- (c) third instalment : equal to thirty per cent of the advance after the house has been constructed up to roof level;
- (d) fourth instalment : equal to thirty per cent, i.e. the balance amount of the advance, after the roof has been completed:

Provided that the second and subsequent instalment shall be released only when the Deputy Minister furnished an affidavit to the Sanctioning Authority to the effect that the amount of an instalment previously drawn has actually been utilized for the purpose for which it was drawn.

(iv) The Deputy Minister shall forthwith refund to the Government the amount, if any, which is not spent for the purpose for which it was drawn;

(v) The house shall be maintained in good condition at the cost of the Deputy Minister concerned and municipal and other local taxes in respect of the house shall be regularly paid by him until the advance alongwith interest is repaid to the Government.

5. Advance for purchasing a house.- (1) A Deputy Minister desirous of getting advance for purchasing a house shall apply to the Sanctioning Authority in Form 'D'.

(2) The application referred to in sub-rule(1) shall be accompanied by an 'agreement to sell' in Form 'E' executed by the intended seller.

6. Conditions for grant of advance for purchase of a house.- The Sanctioning Authority shall sanction the repayable advance for purchase of a house to a Deputy Minister subject to the following conditions: -

- (i) The house must be purchased within one month from the drawal of the said advance;
- (ii) A satisfactory proof of the purchase of the house shall be submitted to the Sanctioning Authority immediately after the purchase is made;
- (iii) The Deputy Minister shall within a fortnight refund the surplus amount to the Government, if the amount of advance is more than what is actually spent for the purchase of a house;
- (iv) The Deputy Minister shall mortgage the house purchased with the advance and built on a plot which is free-hold or lease-hold in favour of the Governor of Punjab in Form 'B' or From 'C', as the case may be, within a period of fifteen days from the date of purchase thereof;

- (v) The house shall be maintained in good condition at the cost of the Deputy Minister concerned and the municipal and other local taxes in respect of the house shall regularly be paid by him until the advance alongwith interest is repaid to the Government.

7. Grant of advance for the purchase of a Motor-Car, Jeep, Motor-Cycle, Scooter or for conversion of a petrol driven Motor-Car or a Jeep to a diesel driven vehicle.- (1) A Deputy Minister desirous of getting advance for the purchase of a Motor-Car, Motor-Cycle, Scooter or for conversion of a Petrol driven Motor-Car or a jeep to a diesel driven vehicle shall apply to the Sanctioning Authority in form 'F' accompanied by an irrevocable bank guarantee worth not less than the amount of advance required or a surety bond in Form 'H' executed by the person having immovable property worth not less than the amount of advance required.

(2) The Sanctioning Authority shall sanction a repayable advance to a Deputy Minister for purchase of Motor-Car, Jeep, Motor-Cycle or a Scooter subject to the condition that the Deputy Minister shall :-

- (i) execute an agreement in Form 'I' before the drawal of the advance;
- (ii) purchase the vehicle within a period of one month from the date of drawal of the advance:

Provided that where a Deputy Minister has deposited the amount for the purchase of the vehicle with the dealer in time and the delay in taking its delivery is beyond his control, he may take delivery within an extended period not exceeding three months from the date of drawal of the advance;

- (iii) hypothecate the vehicle in favour of the Government in Form 'G' before its registration or within a period of fifteen days from the date of purchase thereof, whichever is earlier;
- (iv) get the vehicle comprehensively insured for the period the advance along with the interest is not fully repaid; and
- (v) while applying for registration, state that the vehicle is subject to hypothecation in favour of the Government as envisaged in Form 'E' set forth in the First Schedule appended to the Motor Vehicle Act, 1939

(3) The Sanctioning Authority shall sanction repayable advance to the Deputy Minister for conversion of a petrol driven Motor-Car or a Jeep to a diesel driven vehicle subject to the condition that the Deputy Minister shall :-

- (i) execute an agreement in Form 'I' before the drawal of the advance;
- (ii) get the petrol driven Motor-Car or a Jeep converted to a diesel

driven vehicle within a period of one month from the date of the drawal of the advance;

- (iii) hypothecate the petrol driven Motor-Car or a Jeep to be converted to diesel driven vehicle in favour of the Government in Form 'G' before the drawal of the advance; and
- (iv) get the said diesel driven vehicle comprehensively insured for the period the advance along with the interest is not fully repaid.

(4) The Sanctioning Authority shall furnish to the Accountant General, Punjab, a certificate to the effect that a deed in Form 'G' hypothecating the vehicle in favour of the Government has been got executed from the Deputy Minister concerned and that it has been found to be in order.

8. Safe custody of the mortgage deed.— The Sanctioning Authority shall ensure that the mortgage deed, surety bond and the hypothecation deed referred to in Rules 4, 6 and 7 are duly executed and placed by him in safe custody.

9. Disbursement of advance.— The amount of advance sanctioned under rules 4, 6 and 7 shall be drawn and disbursed to the Deputy Minister concerned by the Sanctioning Authority.

10. Misutilisation of the advance or furnishing of false information.— Utilisation of the advance for a purpose other than that for which it is sanctioned or furnishing of the false certificate or making any false statement in the application for obtaining advance shall render the Deputy Minister liable to refund to Government forthwith entire advance drawn by him alongwith interest in addition to penal interest at such rate as may be specified by the Government from time to time.

11. Interest.— In respect of the advance sanctioned under Rules 4, 6 and 7, interest shall be charged at the same rate at which it is charged by the Government from time to time on such advances made to its Class-I Officers.

Notes.— (1) The interest shall be rounded off to the nearest rupee i.e. less than fifty paise shall be ignored while fifty paise and above shall be taken as a rupee.

(2) The interest shall be calculated on balance outstanding on the last day of each month by the Sanctioning Authority.

(3) In case where the advance is drawn in more than one instalment, the rate of interest applicable shall be determined with reference to the date on which the first installment is drawn.

(4) The interest shall also be recoverable alongwith the principal amount in the manner indicated in Rule 13.

(5) The Audit Office shall check the correctness of the interest to be recovered from the Minister.

12. Penal interest.— Without prejudice to any other action that may be taken under these Rules, a Deputy Minister who is found to have misutilized the advance or has not fulfilled all or any of the conditions of the sanction or has retained the amount of the advance beyond the period specified for utilization, a penal interest shall be charged at such rate as the Government may from time to time specify.

13. Recovery of advance.— (1) The advance sanctioned under Rules 4, 6 and 7 shall be repayable in equated monthly instalments commencing from the month immediately succeeding that in which the advance has been drawn. The instalment of the advance shall be so regulated that the entire amount of advance along with interest is recovered from the Deputy Minister within a period of ten years from the date of drawal of the advance:

Provided that if a Deputy Minister fails to pay any instalment of the advance on the due date, the whole amount of advance or so much thereof as shall then remain due and unpaid along with the interest shall become payable immediately:

Provided further that in the event of the demise of the Deputy Minister, the amount of the advance or so much thereof as shall then remain due and unpaid shall become payable forthwith to the Government with interest due thereon and in the event of failure by the legal heirs of the Minister to deposit the same within a period of one month from the date of demise, the same shall be recovered from the sale of the property mortgaged.

(2) The amount of advance alongwith interest or any balance due from any Deputy Minister shall without prejudice to other rights and remedies of the Government also be recoverable from the pension, if any, admissible to him under the Punjab State Legislature Members (Pension and Medical Facilities Regulation) Act, 1977.

14. Sale of House or Vehicle.— The house constructed or purchased or the vehicle purchased or converted to a diesel driven vehicle with the aid of advance under these rules shall not be sold without previous permission of the Government so long such advance together with interest accrued thereon has not been fully repaid.

15. Application of these rules to Chief Parliamentary Secretary and Parliamentary Secretary.— These rules shall mutatis mutandis apply to Chief Parliamentary Secretary and Parliamentary Secretary.

CHAPTER IV

12. THE PUNJAB STATE LEGISLATURE OFFICERS, MINISTERS AND MEMBERS (MEDICAL FACILITIES) RULES, 1966

¹[Rules framed under sub-section (1) of Section (2) of the Punjab State Legislature Officers, Ministers and Members (Medical Facilities) Act, 1965].

1. (i) These rules may be called the Punjab State Legislature Officers, Ministers and Members (Medical Facilities) Rules, 1966.
- (ii) They shall come into force at once.

²{**2. Medical facilities admissible.**— Every person holding, for the time being, any of the offices mentioned in Sub-section (1) of Section 2 of the Punjab State Legislature Officers, Ministers and Members (Medical Facilities) Act, 1965 shall be entitled, for himself and for members of his family, medical reimbursement as per the actual medical bills submitted: }

Provided that in Chandigarh, such person shall be entitled to reimbursement only:

Provided further that-

- (a) every such person shall be exempted from the production of essentiality certificate by the authorised medical attendant in support of claim for reimbursement, and
- (b) the authority competent to order reimbursement shall ensure that the claim for reimbursement is justified, is in respect of reimbursement of medicines only and is otherwise in order.

Explanation.— For the purpose of this rule, the expression "members of his family" shall mean the husband or the wife, as the case may be, of such person, who is residing with and wholly dependent on such person, his legitimate children, his step children, his legally adopted children, his parents and his widowed daughters residing with and wholly dependent on him.]

¹Published in the Punjab Government Gazette (Extra-ordinary) Legislature Supplement, dated 4th February, 1966

²Substituted vide Govt. Notification No. G.S.R.5/P.A. 26/65/S. 2/ Amd. (1)/76, dt. 2nd Feb, 1976. Published in Punjab Government Gazette (Legislative Supplement), dated 6th February, 1976.

³Subs. vide Pb. Govt. Gaz. Notification No. G.S.R. 18/P.A. 26/65/S. 2/ Amd. (2)/04, dt. 20.02.2004

CHAPTER V

13. 'THE SALARY AND ALLOWANCES OF LEADER OF OPPOSITION IN LEGISLATIVE ASSEMBLY ACT, 1978.

Punjab Act No. 12 of 1978

1. Short title and commencement.—(I) This Act may be called the Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978.

(II) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

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

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

(b) "Leader of the Opposition" means that Member of the Legislative Assembly who is, for the time being, the Leader of the party in Opposition to the Government having the greatest numerical strength and recognised as such by the Speaker;

Explanation.— Where there are two or more parties in Opposition to the Government having the same numerical strength, the Speaker shall, having regard to the status of the parties recognise any one of the leaders of such parties as the Leader of the Opposition for the purpose of this section and such recognition shall be final and conclusive;

(c) "Speaker" means the Speaker of the Punjab Legislative Assembly.

Salary Sumptuary Allowance And Compensatory Allowance

²[3. The Leader of Opposition shall be paid a salary, sumptuary allowance and compensatory allowance as are admissible to a Minister under clause (b) of sub-section (1) of Section 2 of the East Punjab Ministers' Salaries Act, 1947].

Rent Free Government House at the State Headquarter or the House Rent Allowance and Other allowances

³[4. The Leader of Opposition shall be provided with a rent free Government house at the State Headquarter or the house rent allowance and other allowances, as are admissible to a Minister under sub-sections

¹Received the assent of the Governor of Punjab on the 16th September, 1978 and published in the Punjab Government Gazette (Extra Ordinary) Legislative Supplement, dated 18th September, 1978.

²Substituted vide Punjab Act No. 7 of 2011 vide Punjab Govt. Gazette (Extra.) Notification No. 11-Leg./2011, dt. 04.04.2011 w.e.f. 04.11.2010

³Substituted vide Punjab Act No. 7 of 2011 vide Punjab Govt. Gazette (Extra.) Notification No. 11-Leg./2011, dt. 04.04.2011 w.e.f. 04.11.2010

(2), (2-A), (2-B) and (2-C) of Section 2 of the East Punjab Ministers' Salaries Act, 1947, and the rules framed thereunder.]

5. Travelling and daily allowances to Leader of Opposition.—

Subject to any rules made in this behalf by the State Government, the Leader of the Opposition shall be entitled to:-

(a) Travelling Allowance for himself and the members of his family and for the transport of his family's effects:-

(i) in respect of the journey to Chandigarh from his usual place of residence outside Chandigarh for assuming office; and

(ii) in respect of the journey from Chandigarh to his usual place of residence outside Chandigarh on relinquishing office; and

(b) Travelling and daily allowances in respect of tours undertaken by him in the discharge of his duties as the Leader of the Opposition, whether by sea, land or air.

6. Medical and other facilities for Leader of Opposition.—

(1) The Leader of Opposition and the members of his family shall be entitled to the same medical facilities as are admissible to a Minister under the Punjab State Legislature Officers, Ministers and Members (Medical Facilities) Act, 1965 and the rules framed thereunder.

¹[(2) The Leader of Opposition shall be entitled to the same facilities for travelling concession, constituency, secretarial and postal facilities allowance and office allowance in constituency, as are admissible to a Minister under Sections 2-BB and 2-BBB of the East Punjab Ministers' Salaries Act, 1947.]

(3) Where the Leader of Opposition having obtained an advance under sub-section (2) dies while holding office as such, the amount of 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.

7. Leader of Opposition not to draw salary or allowance as Members of Legislative Assembly.— No Leader of the Opposition in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by the Legislative Assembly by way of salary or allowance in respect of his membership of the Assembly.

8. Amenities to Leader of Opposition.— ²[(1) The Leader of Opposition shall be entitled to the same telephone facility, as is admissible

¹Substituted vide Punjab Act No. 7 of 2011 Notification No. 11-Leg./2011, dt. 04.04.2011 (w.e.f. 04.11.2010)

²Substituted vide Punjab Act No. 7 of 2011 vide Punjab Govt. Gazette (Extra.) Notification No. 11-Leg./2011, dt. 04.04.2011 w.e.f. 04.11.2010

to a Minister under Sub-section (4) of Section 2 of the East Punjab Ministers' Salaries Act, 1947.]

¹[(2) The Leader of Opposition shall also be paid a conveyance allowance at the rate of ten thousand rupees per mensem, or, in lieu thereof, a State Car, the expenses on the maintenance and propulsion of which shall be borne by the State Government:

Provided that the maintenance and propulsion expenses of the State Car in use by the Leader of the Opposition shall not be subject to the limit of ten thousand rupees.]

9. Notification respecting the date on which person became or ceased to be Leader of Opposition to be conclusive evidence thereof.— The date on which any person became or ceased to be the Leader of Opposition shall be published in the Official Gazette, and any such notification shall be conclusive evidence of the fact that he became, or ceased to be the Leader of the Opposition on that date for all the purposes of this Act.

10. Power to make rules. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :

²[(a) XX XX XX XX];

(b) the travelling and daily allowances admissible to the Leader of the Opposition under Section 5;

(c) the telephone and secretarial facilities admissible to the Leader of the Opposition.

(3) Every rule 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, immediately following the session 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 under that rule.

¹Substituted vide Punjab Act No. 6 of 2003.

²Omitted vide Punjab Act No. 7 of 2011 vide Notification 11-Leg./2011, dt. 04.04.2011 (w.e.f. 04.11.2010)

14. 'THE SALARY AND ALLOWANCES OF LEADER OF OPPOSITION IN LEGISLATIVE ASSEMBLY RULES, 1979.

1. Short title.— These rules may be called the Salary and Allowances of Leader of Opposition in Legislative Assembly Rules, 1979.

2. Definitions.— In these rules, unless there is anything repugnant in the subject or context:-

(a) "Act" means the Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978 (Punjab Act No.12 of 1978);

(b) "Family" means the wife of the Leader of the Opposition residing with him and the legitimate children and step-children residing with and wholly dependent on him.

Explanation 1.— Not more than one wife is included in a family for the purposes of these rules.

Explanation 2.— If the Leader of the Opposition is a married woman, 'Family' will include her husband residing with and wholly dependent on her;

(c) 'Travelling Allowance' means an allowance granted to the Leader of the Opposition to cover the expenses which he incurs in travelling in the discharge of his duties as such Leader, as against travelling in personal interest or in the interests of the party to which he may belong or for private purpose, such as journeys for rest or recoupment of health or for attending party meetings or for election campaign.

3. Residence.— The Leader of the Opposition shall be entitled to a residence admissible to a Minister of the Punjab Government.

4. Rent for residence by family after the death of the Leader of the Opposition.— Where, after the death of the Leader of the Opposition, his family continues to occupy the residence which had been occupied by him immediately prior to his death, in respect of the period specified in clause (b) of sub-section (2), of section 4 of the Act, the family shall be charged in addition to water supply and electricity charges rent in accordance with the principles laid down in the Fundamental Rules, provided that if the residence has been taken on lease from a private

¹Published in the Punjab Gazette, Legislative Supplement, dated 30th March, 1979, vide Notification No. G.S.R. 41/P.A. 12/78/S. 10/79, dated 24th March, 1979.

source, the rent charged shall be standard rent calculated under Clause (a) of Rule 5.23 of the Punjab Civil Services Rules, Volume I, Part I, in addition to the water supply and electricity charges.

5. Rent for the period of overstay.— Where the Leader of the Opposition, on ceasing to be such Leader, occupies a residence beyond the period specified in Section 4 of the Act, he shall be liable to pay, for the period of overstay, rent in addition to water supply and electricity charges, in accordance with the principles laid down in the Fundamental Rules, provided that if the residence has been taken on lease from a private source, the rent charged shall be the standard rent calculated under Clause (a) of Rule 5.23 of the Punjab Civil Services Rules, Volume I, Part I, in addition to the water supply and electricity charges.

6. Travelling and Daily Allowances to Leader of Opposition.—

(1) The Leader of the Opposition shall be entitled to daily allowance and travelling allowance for himself and for the members of his family and for the transportation of his and his family's effects according to the scale for the time being admissible to a Minister of the Punjab Government:-

(i) in respect of the journey to Chandigarh from his usual place of residence outside Chandigarh for assuming office;

(ii) in respect of the journey from Chandigarh to his usual place of residence outside Chandigarh on relinquishing office.

(2) He shall also be entitled to daily allowance and travelling allowance of tour undertaken by him within or out of the State of Punjab in the discharge of his duties as the Leader of the Opposition in accordance with the aforesaid scale.

7. Telephone facilities.— The Leader of the Opposition shall be entitled to the installation and maintenance of a telephone at his office and also at his residence in Chandigarh and no charges shall be payable by him in respect of the rental of such telephones and for local and trunk calls made by him in the discharge of his duties as the Leader of the Opposition.

8. Secretarial facilities.— The Leader of the Opposition shall be entitled to the following secretarial assistance:-

- (1) One Private Secretary;
- (2) One Personal Assistant;

- (3) One Clerk;
- (4) One Jamadar; and
- (5) Two Peons.

4. Conveyance allowance.— The Conveyance allowance admissible to the Leader of the Opposition under sub-section (2) of section 8 of the Act shall be paid to him on the production of a certificate in the form appended to these rules.

5. Interpretation.— If any question arises as to the interpretation of these rules, it shall be referred to the State Government for decision.

CHAPTER VI

15. **'THE PUNJAB LEGISLATIVE ASSEMBLY ²[(SALARIES AND ALLOWANCES OF MEMBERS] ACT, 1942**
(ACT IV OF 1942)

An
ACT

to provide for ³[salaries and allowances] of the Speaker and certain Members of the Punjab Legislative Assembly.

It is hereby enacted as follows:-

Short Title and Commencement

1. (1) This Act may be called the Punjab Legislative Assembly ⁴[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 ⁵[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;

¹Received the assent of His Excellency, the Governor on 10th March, 1942 and published in Government Gazette (Extraordinary), Punjab of the 16th March, 1942.

²Title of the Act amended vide Punjab Act No. 3 of 2003-, vide No. 6 Leg/2003, dt. 23.04.2003.

³Amendment of preamble vide Punjab Act No.3 of 2003-, vide No. 6 Leg/2003, dt. 23.04.2003.

⁴Amended vide Punjab Act No. 3 of 2003-, vide No. 6 Leg/2003, dt. 23.04.2003.

⁵Inserted, vide Act No. 12 of 1978 (Published in Extraordinary Gazette of 18th September, 1978)

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

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 ³{Twenty-five 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 ⁴[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

(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

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

²Inserted,-vide Punjab Act No. 3 of 2003, vide No. 6, Leg/2003, dt. 23.04.2003

³Substituted,-vide Punjab Act No. 21 of 2015-, vide No. 22-Leg/2015, dt. 15.05.2015.

⁴Words "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.

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 (1) There shall also be paid to each Member-

(a) a Constituency, Secretarial and Postal Facilities Allowance at the rate of ²{twenty five thousand rupees} per mensem;

(b) an office allowance at the rate of ³{ten thousand rupees} per mensem]; and

(c) a sumptuary allowance at the rate of three thousand rupees per mensem.

(2) A Member shall be entitled to Secretariat allowance at the rate of ⁴{ten thousand rupees} per mensem, which shall be payable by the Punjab Vidhan Sabha Secretariat to the person, to be intimated by the Member to the said Secretariat to work with him as his Secretary.]

⁵[(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.]

⁶[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 ⁷{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.]

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

¹Inserted,-vide Punjab Act No. 13 of 2010 w.e.f 27.10.2010.

²Inserted,-vide Punjab Act No. 21 of 2015, vide No. 22-Leg./2015, dt. 15.05.2015.

³Inserted,-vide Punjab Act No. 21 of 2015, vide No. 22-Leg./2015, dt. 15.05.2015.

⁴Inserted,-vide Punjab Act No. 21 of 2015, vide No. 22-Leg./2015, dt. 15.05.2015.

⁵Inserted,-vide Punjab Act No. 1 of 2004, w.e.f. 25th March, 2004.

⁶Inserted,-vide Punjab Act No. 5 of 1993, w.e.f. 6th April, 1993.

⁷Inserted,-vide Act No. 14 of 1981, w.e.f. 19th March, 1981.

- (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[one thousand and 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 Rules 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:

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 ³[as admissible to a Class-I Officer.]

⁴[(iii)]

Explanation.- A break of ⁵[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:

¹Inserted,-vide Punjab Act No. 21 of 2015, vide No. 22-Leg./2015, dt. 15.05.2015.

²Inserted,-vide Act No. 14 of 1981, w.e.f. 19th March, 1981.

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

⁴Omitted,-vide Punjab Act No. 14 of 1981, w.e.f. 19th March, 1981.

⁵Substituted for the words "not more than two days,"-vide Punjab Act No. 28 of 1959 w.e.f. 21st July, 1959.

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 Speaker or Deputy Speaker or as Member as the case may be.

¹[(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].

²[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].

³(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;]

Telephone
Facility

⁴(3) Every Member shall be paid Telephone Allowance at the rate of ⁵{fifteen Thousand rupees} per mensem.]

⁶[4-B. (1) Every Member along with 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 outside India by an air-conditioned coach or by air or by private taxi or by his own motorcar and an amount equivalent to the expenses incurred on such journey, shall be reimbursed to the Member:

Provided that a Member furnishes a certificate in respect of the journey undertaken and the sum of money spent thereupon:].

¹Inserted,-vide Punjab Act No. 30 of 1976, w.e.f. 27th September, 1976.

²Section 4-A(1) was inserted,-vide Punjab Act 6 of 1970 w.e.f. 11th August, 1970.

³Subst.-vide Punjab Act No. 20 of 1995 (w.e.f. 14.11.1995)

⁴Inserted,-vide Punjab Act No. 13 of 2010, vide No.-Leg./2010 dt. 27.10.2010.

⁵Subs.-vide Punjab Act No. 21 of 2015, vide No. 22-Leg./2015,dt. 15.05.2015.

⁶Subs.-vide Act No. 29 of 2011, vide Notification No. 42-Leg/2011 dated 16.11.2011.

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

²[(1-A) A Member may get an advance for performing the journey abroad by air.]

³[4-BB. Every Member shall be paid water and electricity allowances at the rate of one thousand rupees per mensem.]

4-C ⁴[(1) Subject to such conditions and limitations, as may be prescribed, there may be paid to each Member by way of repayable advance:-

- (i) A sum of money not exceeding fifty lac rupees for building or purchasing a house/ flat:

Provided that a Member, who had drawn repayable advance for building or purchasing a house/ flat and on the repayment thereof along with interest thereon, he may draw second repayable advance not exceeding thirty one lac rupees for the said purpose;

- (ii) a sum of money not exceeding three lac rupees for repairs of the house; and

- (iii) a sum of money not exceeding rupees fifteen lac or anticipated price, whichever is less for purchase of a motorcar and on the repayment of this advance along with interest thereon, a Member may draw second repayable advance which may be for a period of five years or less depending on the tenure of the Vidhan Sabha; and]

(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 fulfil 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 or 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

¹Inserted,-vide Punjab Act No. 21 of 2015, vide No. 22-Leg./2015, dt. 15.05.2015.

²Inserted,-vide Punjab Act No. 13 of 2010, vide No.-Leg./2010 dt. 27.10.2010.

³Inserted,-vide Punjab Act No. 3 of 2003, -vide No. 6. Leg/2003, dt. 23.04.2003.

⁴Subs.-vide Punjab Act No. 29 of 2011, Notification No.42-Leg/2011 dated 16.11.2011.

owned and possessed by the Member applying therefor, and is free from all encumbrances.

(3) No transfer, assignment or charge 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.

¹[(3-A) Where a Member having obtained an advance under ²{sub-section (1)} 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 along with interest thereon shall be written off with the sanction of the prescribed authority.]

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

5. (1) The ³[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;
- (f) Provision for residential accommodation of Members mentioned in section 4-A; and

¹Inserted, -vide Punjab Act No. 11 of 1983, (with effect from 9th May, 1983).

²Subs, -vide Punjab Act No. 29 of 2011, Notification No. 42-Leg/2011 dt. 16.11.2011.

³Substituted for the words "State Government", -vide Punjab Act 23 of 1956 (with effect from 19th September, 1956).

(g) 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.

**16. ¹THE PUNJAB LEGISLATIVE ASSEMBLY
(ALLOWANCES OF MEMBERS) RULES, 1957**

**²[Rules framed under Section 5 of the Punjab Legislative
Assembly (Salaries and Allowances of Members) Act, 1942].**

1. These rules may be called the Punjab Legislative Assembly (Allowances of Members) Rules, 1957, and shall come into force at once. Short title and commencement, definitions
2. (1) In these Rules-
- a. "The Act" means the Punjab Legislative Assembly (Salaries and Allowances of Members) Act, 1942, as adapted and amended from time to time;
- b. "Chief Public Office" means:-
- (i) At the headquarters of a district The Court of the Deputy Commissioner
- (ii) At a Cantonment The Station Church
- (iii) At an out-post of tehsil The Court of the Officer-Incharge of the out-post or Tehsil; and
- (iv) At all other places The Police Station or if there be no Police Station, the Post Office, or if there be no Post Office, the point so declared for the purposes of these Rules by the Speaker
- c. "Secretary" means the Secretary of the Punjab Legislative Assembly.
- ³[(d) "Controlling Officer" means the Secretary or such officer not below the rank of an Under Secretary as may be designated by Secretary to perform all or any of the functions of the Controlling Officer subject to such directions as may be given by him from time to time.]

¹Published in the Punjab Government Gazette (Extraordinary), dated the 16th July, 1957.

²Published in the Punjab Government Gazette (Extraordinary), dated the 16th July, 1957.

³Added,- Vide Notification number PLA-8115, dated 29th January, 1981.

(2) Words and Expressions used in these Rules and not defined therein shall have the meanings assigned to them in the Act.

Travelling
Allowance to the
Speaker

3. The Speaker shall be entitled to travelling allowance for journeys mentioned below on the same scale as is admissible to a Minister:-

(a) from his place of residence to the venue of the Assembly when proceeding to join office and back to his normal place of residence after relinquishment of office.

(b) (i) from Chandigarh to his constituency (headquarters) at the end of each session of the Assembly and for the return journey to Chandigarh at the beginning of the next session.

(ii) from Chandigarh to his Constituency (headquarters) when the Assembly is adjourned for two or more days and for the return journey after the period of break and from Chandigarh to his constituency (headquarters) and back once a month in off session periods.

(c) to attend a Conference or a Committee of Presiding Officers of Legislative Bodies in India or for a visit to the venue of some other Legislative Bodies to study its procedure, working and organisation;

Provided that for tours undertaken by him outside India in the discharge of his official duties, he shall be entitled to such travelling and daily allowances as the State Government may in each case determine;

Payment
of advance of
travelling
allowance and
Halting
Allowance

(d) to attend or participate in any public function or any function arranged by the State or Central Government or any local or statutory authority or to receive a civic address or for attending meeting connected with, or for visiting sites or places of developmental or constructive activities, undertaken by the State or Central Government or by anybody financed partly or wholly by the State or Central Government;

(e) in the event of a change of the headquarters of the Assembly, a journey from his home, or from the old headquarters of the Assembly in case he is residing there at the time of the move, to the new headquarters of the Assembly; and

(f) such other journeys as may be certified by the Speaker to have been performed in the discharge of duty.

4. The Speaker shall be entitled to halting allowance at the same rates and on the same conditions as daily allowance to a Minister.

Halting Allowance to the Speaker

4-A There may be paid to the Speaker an advance of Travelling Allowance and Halting Allowance admissible to him under these rules.

Payment of advance of travelling allowance and Halting Allowances

5. (1) The Deputy Speaker shall be entitled to Travelling Allowance for journeys mentioned below on the same scale as is admissible to a ¹[Minister of State]:-

Travelling Allowance Halting Allowance to Deputy Speaker

(a) from his place of residence to the venue of the Assembly when proceeding to join office and back to his normal place of residence after relinquishment of Office;

(b) (i) from Chandigarh to the constituency (headquarters) at the end of each session of the Assembly and for the return journey to Chandigarh at the beginning of the next session;

(ii) from Chandigarh to his constituency (headquarters) when the Assembly is adjourned for two or more days and for the return journey after the period of break and from Chandigarh to his constituency (headquarters) and back once a month in off-session periods;

(c) for journeys performed by him under the orders of the Speaker :-

(i) to attend the Conference of Presiding Officers of Legislative Bodies in India; and

(ii) for the purpose of attending to any other business connected with his duties as Deputy Speaker.

(2) The Speaker may also allow the Deputy Speaker to travel by air to save time, in which case he shall be entitled to travelling allowance for journey by air on the same scale as is admissible to a Government Servant of first grade entitled to travel by air.

(3) The Deputy Speaker shall be entitled to Halting allowance at

¹Amended,-vide Notification No. PLA-76/90, dated 25th October, 1976-Punjab Government Gazette (Extraordinary), dated 25th October, 1976.

the same rates and on the same conditions as daily allowance to a ¹[Minister of State].

(4) The Speaker shall be the Controlling Officer for the purpose of countersigning the Travelling Allowance Bills of the Deputy Speaker.

Travelling
Allowance to
Chairmen of
Committees.

5-A. A Chairman of a Committee constituted under the Rules of Procedure and Conduct of Business in the Punjab Legislative Assembly shall be entitled to travelling allowance at the same rate as prescribed in sub-rule(i) of Rules 6 for journey performed by him under orders of the Speaker for attending a Conference of Chairmen of the corresponding Committees of Legislative Bodies in India.

Travelling
Allowance to
Members.

6. (i) Subject to the proviso to Section 4 of the Act, there shall be paid Travelling Allowance to each Member in respect of every journey performed by him for the purpose of attending a Session of the Assembly or a meeting of a Committee or for the purpose of attending to any other business under orders of the Speaker connected with his duties as a Member, from his usual place of residence to the place where the session or the meeting is held or other business is to be transacted and for the return journey from such place to his usual place of residence:-

(a) If the journey is performed by rail, an amount equal to one first class fare, inclusive of tax on passengers' fares; any, plus one-half first class railway fare, exclusive of tax on passenger fares, for each such journey;

(b) for journeys performed by road between places not connected by rail, at the rate of ²[rupees fifteen] per kilometre.

³[(c) if the journey is performed by air, travelling allowance on the same scale, as is admissible to a Government servant of Grade-I entitled to travel by air.]

¹Amended,-vide Notification No. PLA-76/90, dated 25th October, 1976-Punjab Government Gazette (Extraordinary), dated 25th October, 1976.

²Rate revised vide Notification No. 1-GEN/2010/80, dated 14.10.2011 w.e.f 23.09.2011.

³Clause (c) was added, -vide Notification No. PLA-70/44, dt. 10.09.1970--Punjab Govt. Gazettee, dated 18.09.1970.

¹[(ii) Notwithstanding anything contained in sub rule(i), a Member who performs a journey by road, by his own car between places connected by rail, either wholly or in part and gives a certificate that he travelled by his own car, may draw the mileage allowance referred to in sub-rule(i)(b) in place of Travelling Allowance which would have been admissible to him if he had travelled by rail:

Provided that where a Member who performs a journey by road between places connected by rail, either wholly or in part, by means of car not owned by him, he may draw the mileage allowance referred to in sub-rule (i)(b) in place of Travelling allowance which would have been admissible to him if he had travelled by rail, but the total amount of Travelling Allowance drawn by him for the entire journey shall not exceed the amount which would have been admissible to him, had he performed such journey by rail:

Provided further that in the case of journey performed by road, the Chief Public Office shall be deemed to be the point of commencement and termination of the journey.]

Note 1- For the purpose of calculating travelling allowance, a journey between two stations shall be deemed to be performed by the shortest or the cheapest of two or more practicable routes, whichever is less.

Note 2- If the usual place of residence of a Member is outside the Punjab, the travelling allowance shall be calculated as from and to the headquarters of the constituency from which he is elected. For the purpose of this note, Delhi shall be deemed to be within the Punjab.

Explanation- For the purposes of this note, the phrase "headquarters of the constituency" shall be interpreted as under:-

(a) in the case of constituency comprising a part of a district, it shall mean the place by which the constituency in question is known.

(b) In the case of a constituency consisting of parts of more than one district, it shall mean the headquarters of any one of such districts.

Note 3- When under the rules of the railways, return tickets are issued and the route of the return journey and the period within which it will be performed are covered by such rules, return tickets at reduced rates should always be purchased. The mileage allowance for the forward and the return journeys admissible under the rule, wherever such return tickets are available and are purchased or could have been purchased will be the actual cost of the return tickets, plus, the usual allowance admissible for

¹Substituted,-vide Notification No. PLA-76/5, dated 14.01.1976-Punjab Govt. Gazette (Extraordinary), dated 14th January, 1976.

incidental expenses each way. The Secretary, shall be competent to decide whether a Member should have known that he could return within the time allowed for return tickets and have taken a return ticket.

7. ¹[When the Assembly or a Committee is adjourned for less than two days, a Member who leaves the place of meeting and returns to attend another meeting of the Assembly or a Committee, as the case may be, after the period of that break, shall not be entitled to any travelling allowance for any journey performed during such break.]

²[8. XXX XXXX XXXX.]

Forms of Claim
and mode of
payment

9. Bills for ³[Compensatory Allowance, Travelling/ Halting Allowances, Constituency, Secretarial and Postal Facilities Allowance, the reimbursement of the amount of Air fare/Rail fare, difference of fare between the First Class and the Air Conditioned First Class to Members and the reimbursement of telephone charges ⁴[and the reimbursement of the amount on account of the cost of Petrol/Diesel purchased for travel by their own cars] to them shall be prepared in duplicate on the forms set out in Schedules I,II,IV V and VI respectively, annexed to these Rules, which shall be filled in and sent to the Secretary, in duplicate, one copy being stamped and receipted. The Controlling Officer shall countersign the bills. The bills after countersignatures will be returned to the Member for encashment. Payment will be made, at the option of the Member either at the Headquarters of the Government or at the District Treasury or a Sub-Treasury (to be specified in the Bill). The Member may, at his option, endorse the bill in favour of his bankers for collecting and crediting the proceeds of the bill to his account:

Provided that claims on account of Travelling/Halting Allowances of Members for attending the meetings of Committees appointed by Government shall be paid after pre-audit by the Accountant General, Punjab]

Time-barred
claims

10. (1) No claim on account of allowances of Members not preferred within ⁵[one year] of its becoming due shall be paid without pre-audit of the Accountant General, Punjab.

¹Substituted,-vide Notification No. PLA-78/15, dated the 2nd April, 1979-Punjab Government Gazette (Extraordinary), dated 2nd April, 1979.

²Deleted,-vide Notification No. PLA-78/15, dated the 2nd April, 1979-Punjab Government Gazette (Extraordinary), dated 2nd April, 1979.

³Substituted,-vide Notification No. PLA-81/5, dated the 20th January, 1981.

⁴Inserted,-vide Notification No. PLA/79, dated 11th September, 1986.

⁵Substituted for the words "six months", vide Notification No. PLA-68/16, dated 4th May, 1968-Punjab Government Gazette, dated 10th May, 1968.

(2) Claims on account of allowances of Members which have been allowed to remain in abeyance for a period exceeding ¹[eighteen months] shall not be pre-audited by the Accountant-General, Punjab, except under sanction of the Speaker.

11. A Member shall be charged for the accommodation in his capacity as such provided to him at Chandigarh at the rates specified in Schedule-III.

12. The rent and other State dues from a Member in his capacity as such shall be paid by him either directly in cash or the same may be deducted by the Secretary from his allowances.

Rent for Accommodation provided to Member at Chandigarh Recoveries of Rent and Other State Dues.

¹Substituted for the words "One Year", -vide Notification No. PLA-68/16, dated 4th May, 1968, Punjab Government Gazette, dated 10th May, 1968.

**17. THE PUNJAB LEGISLATIVE ASSEMBLY
MEMBERS (FREE TRAVEL BY ROAD TRANSPORT
SERVICES) RULES, 1979.**

¹[Rules framed under Section 5 read with Section 4-B(1)(b) of the Punjab Legislative Assembly (Salaries and Allowances of Members) Act, 1942]

1. Short title and commencement-(I) These rules may be called the Punjab Legislative Assembly Members (Free Travel by Road Transport Services) Rules, 1979.

(II) They shall come into force at once.

2. Definitions- In these rules, unless the context otherwise requires:-

(a) "Act" means the Punjab Legislative Assembly (Salaries and Allowances of Members) Act, 1942;

(b) "Voucher" means a Bus journey voucher as specified in the Appendix to these rules;

(c) "Secretary" means the Secretary of the Punjab Legislative Assembly or any other officer duly authorized by him in writing to exercise all or any of his powers under these rules;

(d) "Corporation" means the Pepsu Road Transport Corporation;

(e) "Punjab Roadways" means the Punjab State Transport Undertaking having its depots at Jullundur, Amritsar, Moga, Chandigarh, Ludhiana, Hoshiarpur, Pathankot, Muktsar, Ferozepur, Nawanshahar, Tarn Taran, Batala and/ or at such other places where the same may be set up from time to time.

3. Supply of identity cards and journey books,-(I) Every Member shall be provided by the Secretary with an identity card, in which a photograph of the Member concerned shall be pasted, and journey books duly signed by the Secretary, which shall entitle him and his spouse or an attendant accompanying him to look after and assist him to travel without payment of fare and passenger tax thereon at any time by any public service vehicle of the Punjab Roadways or of the Corporation.

(II) Each journey book shall contain one hundred non-transferable vouchers with counterfoils and numbered with the book number and each voucher containing therein shall be numbered in serial order.

¹Published in the Punjab Government-Gazette (Extraordinary), dated 20th November, 1979.

(III) The Member shall produce the identity card when demanded by the conductor or any officer or inspectorate staff of the Department of Transport or the Corporation.

4. Procedure for issue of journey books-(i) Before any journey book is issued to a Member, his name shall be entered thereon by the Secretary.

(ii) The Secretary shall get the following declaration printed on the covering page of every journey book and signed by the Member before any journey book is issued to him.

"I _____ M.L.A., hereby declare that the vouchers will be used for journeys allowed under clause (b) of sub-section (1) of Section 4-B of the Punjab Legislative Assembly (Allowances of Members) Act, 1942.

Signature of the Member".

5. Number of journey books to be issued at a time and their availability- (I) Not more than two journey books shall be issued to a Member at any time for the purposes of Rule 3.

(II) A Member shall use the vouchers in the journey books in serial order and shall return the counterfoils in such journey books to the Secretary.

(III) No fresh journey books shall be issued to any Member unless the journey books previously issued to such Member have been exhausted and the counterfoils therein are returned by him to the Secretary.

(IV) In the event of any Member ceasing to be a Member, the journey books with him shall be returned immediately to the Secretary.

(V) In the case of loss of any journey book or any voucher therein, the Member concerned shall immediately bring it to the notice of the Secretary, who shall forthwith communicate such loss to the General Manager of every depot of the Punjab Roadways and of the Corporation.

6. Method of using vouchers and undertaking journey, etc.-
(I) Any Member desiring to undertake journey by any public service vehicle of the Punjab Roadways or the Corporation may get reserved seats for himself and for his spouse or his attendant accompanying him, in advance either on telephone or by sending a requisition, in writing, to the bus stand Incharge without payment of reservation charges.

(II) A Member shall, at the commencement of the journey, fill in

the voucher and the counterfoil thereof and hand over the voucher to the conductor of the vehicle. He shall also show his identity card to the conductor of the vehicle. The conductor shall then himself fill in the various columns of the voucher and the counterfoil in the space left blank.

(III) A separate voucher shall be used for each journey performed by a Member and his spouse or an attendant accompanying him.

7. Luggage.- A Member and his spouse or an attendant shall be entitled to carry such luggage free of charge as is permissible under the rule of the Punjab Roadways or of the Corporation, as the case may be, and the Member and his spouse or an attendant shall pay in cash for the excess luggage, if any, at the rates specified by the Punjab Roadways or by the Corporation, as the case may be.

8. Deposit Vouchers.- The conductor of the vehicle shall deposit the vouchers duly completed by him with the cashier in the office concerned of the Punjab Roadways or of the Corporation, as the case may be.

9. Payment.- The General Manager of each depot of the Punjab Roadways or the Corporation shall submit a bill alongwith vouchers for all journeys undertaken by a Member and his spouse or an attendant accompanying him during month to the Secretary in the following month, for payment.

10. Repeal and savings.- (I) The Punjab Legislative Assembly Members (Free Travel by Road Transport Services) Rules, 1972, are hereby repealed.

(II) Notwithstanding such repeal, anything done or any action taken under the rules so repealed, shall be deemed to have been done or taken under the corresponding provisions of these rules.

APPENDIX
PUBLIC SERVICE VEHICLE JOURNEY VOUCHER.

PUNJAB ROADWAYS PEPSU
ROAD TRANSPORT
CORPORATION

Counterfoil

Book No. _____ Serial
No. _____

(To be filled in and retained by the
Member)

Date of Journey _____

I am travelling alone/with my spouse/
attendant

From _____ to _____

My Identity Card No. is _____

Member,
Punjab Legislative Assembly
(To be filled in by the conductor)

Dated _____

Route No. _____ Bus No. _____

Bus fare _____

Passenger tax, if any _____

Total: _____

Conductor's name and No. _____

Signature of the Conductor

PUNJAB ROADWAYS PEPSU
ROAD TRANSPORT
CORPORATION

Voucher

Book No. _____ Serial No. _____

(To be delivered to the Conductor
of the bus)

Date of Journey _____

I am travelling alone/with my
spouse/ attendant

From _____ to _____

My Identity Card No. is _____

Member,
Punjab Legislative Assembly
(To be filled in by the conductor
and attached to the way bill)

Dated _____

Route No. _____ Bus No. _____

Bus fare _____

Passenger tax, if any _____

Total: _____

Conductor's name and No. _____

Signature of the Conductor

18. ¹THE PUNJAB LEGISLATIVE ASSEMBLY (GRANT OF ADVANCE TO MEMBERS) RULES, 1979

1. Short Title.- These rules may be called the Punjab Legislative Assembly (Grant of advance to Members) Rules, 1979. (As Amended upto date).

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context:-

- (a) 'Act' means the Punjab Legislative Assembly (Allowances of Members) Act, 1942 (Punjab Act No. IV of 1942);
- (b) 'Form' means a form appended to these Rules;
- (c) 'Government' means the Government of the State of Punjab in the Department of General Administration (Parliamentary Affairs Branch);
- (d) 'Sanctioning Authority' means the Secretary, Punjab Vidhan Sabha or an officer authorized by him in this behalf not below the rank of Deputy Secretary, Punjab Vidhan Sabha; and
- (e) 'Family' means the spouse of the Member and the legitimate children and step children residing with and wholly dependent upon the Member.

3. Application for the grant of getting advance for the construction of a house:- A Member desirous of getting advance for the construction of a house shall apply to the Sanctioning Authority in Form 'A'.

4. Conditions for grant of house building advance:- The Sanctioning Authority shall sanction a repayable advance for the construction of a house subject to the following conditions:-

(i) The Member concerned must certify that the advance is actually required for building a house for occupation by himself where he intends to settle down;

(ii) The land or plot which is free-hold or lease-hold alongwith building to be erected thereupon shall be mortgaged to the Government in Form 'B' or Form 'C' as the case may be, before any instalment of advance is drawn by the Member concerned;

(iii) The advance shall be disbursed in four instalments depending upon the stage of construction and the amount of each instalment shall be

¹Published in the Punjab Government-Gazette (Extraordinary), dated 27th November, 1979.

as under:-

(a) **first instalment:** equal to twenty per cent of the advance at the time of starting construction;

(b) **second instalment:** equal to twenty per cent of the advance after the house has been constructed up to plinth level;

(c) **third instalment:** equal to thirty per cent of advance after the house has been constructed up to roof level.

(d) **fourth instalment:** equal to thirty percent, i.e. the balance amount of the advance, after the roof has been completed:

Provided that the second and subsequent instalments shall be released only when the Member furnishes an affidavit to the Sanctioning Authority to the effect that the amount of an instalment previously drawn has actually been utilized for the purpose for which it was drawn.

(iv) The Member shall forthwith refund to the Government the amount, if any, which is not spent for the purpose for which it was drawn.

(v) The house shall be maintained in good condition at the cost of the Member concerned and municipal and other local taxes in respect of the house shall be regularly paid by him until the advance alongwith interest is repaid to the Government.

5. Advance for purchasing a house.- (1) A Member desirous of getting advance for purchasing a house shall apply to the Sanctioning Authority in Form 'D'.

(2) The application referred to in sub-rule (1) shall be accompanied by an agreement to sell in form 'E' executed by the intended seller.

(3) The Member shall furnish an irrevocable bank guarantee worth not less than the amount of advance required or a surety bond in Form E-1 executed by a person having immovable property worth not less than the amount of such advance.

6. Conditions for grant of advance for purchase of a house.- The Sanctioning Authority shall sanction the repayable advance for purchase of a house to a Member subject to the following conditions:-

(i) The house must be purchased within one month from the drawal of the said advance;

(ii) A satisfactory proof of the purchase of the house shall be submitted to the Sanctioning Authority immediately after the purchase is made;

(iii) The Member shall within a fortnight refund the surplus amount to the Government, if the amount of advance is more than what is actually spent for the purchase of a house;

(iv) The Member shall mortgage the house purchased with the advance and built on a plot which is free-hold or lease-hold in favour of the Governor of Punjab in Form 'B' or Form 'C' as the case may be, within a period of fifteen days from the date of purchase thereof;

(v) The house shall be maintained in good condition at the cost of the Member concerned and the municipal and other local taxes in respect of the house shall regularly be paid by him until the advance alongwith interest is repaid to the Government.

7. Grant of advance for the purchase of a Motor Car, Jeep, Motor-Cycle, Scooter or for conversion of a petrol driven Motor-Car or a jeep to a diesel driven vehicle:-

(1) A Member desirous of getting advance for the purchase of a Motor-Car, Jeep, Motor Cycle, Scooter or for conversion of a petrol driven Motor-Car or a Jeep to a diesel driven vehicle shall apply to the Sanctioning Authority in Form 'F' accompanied by an irrevocable Bank Guarantee worth not less than the amount of advance required or a surety bond in Form 'H' executed by the person having immovable property worth not less than the amount of advance required.

(2) The Sanctioning Authority shall sanction a repayable advance to a Member for the purchase of a Motor-Car, Jeep, Motor Cycle or a Scooter subject to the following conditions:-

(i) The Member shall execute an agreement in Form 'I' before the drawal of the advance;

(ii) The Member shall purchase the vehicle within a period of one month from the date of drawal of the advance;

(iii) The Member shall hypothecate the vehicle in favour of the Government in Form 'G' before its registration or within, a period of fifteen days from the date of purchase thereof, whichever is earlier;

(iv) The Member shall get the vehicle, comprehensively insured during the period the advance alongwith interest is not fully repaid; and

(v) Where a Member purchases a new vehicle he shall, while applying for registration, state that the vehicle is subject to hypothecation in favour of the Government as envisaged in Form 'E' set forth in the First Schedule appended to the Motor Vehicles Act, 1939.

(3) The Sanctioning Authority shall sanction a repayable advance to the Member for conversion of a petrol driven Motor-Car or Jeep to a diesel driven vehicle subject to the following conditions:-

(i) The Member shall execute an agreement in Form 'T' before the drawal of the advance;

(ii) The Member shall get the petrol driven Motorcar or a Jeep converted to a diesel driven vehicle within a period of one month from the date of drawal of the advance;

(iii) The Member shall hypothecate the petrol driven Motor Car or a Jeep to be converted to a diesel driven vehicle in favour of the Government in Form 'G' before the drawal of the advance; and

(iv) The Member shall get the said diesel driven vehicle comprehensively insured during the period the advance alongwith interest is not fully repaid.

(4) The Sanctioning Authority shall furnish to the Accountant General, Punjab as well as to the Treasury Officer a certificate to the effect that a deed in Form 'G' hypothecating the vehicle in favour of the Government has been got executed from the Member concerned and that has been found to be in order before the amount of advance is drawn.

8. Safe custody of mortgage deeds.- The Sanctioning Authority shall ensure that the mortgage deeds, surety bond and the hypothecation deed referred to in Rules 4, 6 and 7 are duly executed and placed by him in safe custody.

9. Disbursement of advance.- The amount of advance sanctioned under Rules 4, 6 and 7 shall be drawn and disbursed to the Member concerned by the Sanctioning Authority.

10. Misutilization of the advance or furnishing of false information.- Utilization of the advance for a purpose other than that for which it is sanctioned or furnishing of the false certificate for making any false statement in the application for obtaining advance shall render the Member liable to refund to the Government forthwith entire advance drawn by him alongwith interest in addition to penal interest at such rate as may be specified by the Government from time to time.

¹11. Interest.- In respect of the advance sanctioned under Rules 4, 6 and 7, the interest shall be charged at the rate of six per cent per annum.

¹Substituted vide Punjab Government Gazette (Extraordinary) Notification No. G.S.R 24/P.A. 4/42/S. 4-C/Amd. (8)/96 dated 25th March 1996.

Notes.- (1) The interest shall be rounded off to the nearest rupee that is less than fifty paise shall be ignored while fifty paise and above shall be taken as a rupee.

(2) The interest shall be calculated on balance outstanding on the last day of each month by the Sanctioning Authority.

(3) In case, where the advance is drawn in more than one instalment, the rate of interest applicable shall be determined with reference to the date on which the first installment is drawn.

(4) The interest shall also be recoverable alongwith the principal amount in the manner indicated in Rule 13.

(5) The audit office shall check the correctness of the interest to be recovered from the Member.

12. Penal interest.- Without prejudice to any other action that may be taken under rules, a Member who is found to have misutilized the advance or has not fulfilled all or any of the conditions of the sanctions or has retained the amount of the advance beyond the period specified for utilization, a penal interest shall be charged at such rate, as the Government may, from time to time, specify.

13. Recovery of advances.-(1) The advance sanctioned under Rule 4 shall be repayable by the guarantee in equated monthly instalments commencing on the expiry of a period of six months from the date of the drawal of the first instalment or the completion of the building whichever is earlier; and the advance sanctioned under Rules 6 or 7 shall be repayable by the guarantee in equated monthly instalments commencing from the month immediately succeeding the month in which the advance has been drawn. The instalments of the advance shall be so regulated that entire amount of advance alongwith interest is recovered from the Member within a period of ¹[fifteen years] from the date of drawal of the advance:

Provided that if a guarantee fails to pay three monthly instalments consecutively of the advance sanctioned under Rules 4, 6 and 7 on the due date, the whole amount of advance or so much thereof as shall then remain due and unpaid alongwith the interest due thereon shall become payable immediately; and

Provided further that in the event of demise of the guarantee, the

¹Substituted vide Punjab Government Gazette (Extraordinary) Notification No. G.S.R 24/P.A. 4/42/S. 4-C/Amd. (8)/96, 25th March 1996.

amount of advance or so much thereof as shall then remain due and unpaid shall, subject to the provision of Sub-section (3-A) of Section 4-C of the Act become payable forthwith to the Government with interest due thereon and in the event of failure, by the legal heirs of the guarantee to deposit the same within a period of three months from the date of demise, the same shall be recovered from the sale of the property mortgaged.

(2) The amount of advance alongwith interest or any balance due from any guarantee shall, without prejudice to other rights and remedies of the Government, also be recoverable from the pension, if any, admissible to him under the Punjab State Legislature Members (Pension and Medical Facilities Regulation) Act, 1977.

(3) The amount of the monthly instalment of the refund of advance as fixed under Sub-rule (1) shall be deposited by the guarantee in the Punjab Government Treasury at Chandigarh or in any other Government Treasury in the State of Punjab and the original challan in token of having deposited by him the instalment, shall be submitted to the Secretary, Punjab Vidhan Sabha by the 10th of that month.

13-A. Prescribed Authority:- For the purposes of Sub-section (3-A) of Section 4-C of the Act, the Secretary of the Punjab Vidhan Sabha or an officer authorized by him in this behalf, not below the rank of Deputy Secretary, Punjab Vidhan Sabha, shall be the prescribed Authority.

14. Sale of House or Vehicle.- The house constructed or purchased, the motor car, jeep, motor cycle or scooter purchased or the petrol driven motor car or a Jeep converted to a diesel driven vehicle with the aid of advance under these Rules, shall not be sold without previous permission of the Government so long such advance together with interest accrued thereon has not been fully repaid.

**19. THE PUNJAB LEGISLATIVE ASSEMBLY
(ALLOTMENT OF M.L.As' FLATS, SERVANTS' QUARTERS
AND MOTOR GARAGES) RULES, 1971**

¹[Rules framed under Section 5 of the Punjab Legislative Assembly
(Salaries and Allowances of Members) Act, 1942].

1. Title and Commencement.- These rules may be called the Punjab Legislative Assembly (Allotment of M.L.As' Flats, Servants' Quarters and Motor Garages) Rules, 1971 and shall come into force at once.

2. Definitions.- In these rules:-

- (a) "Secretary" means the Secretary of the Punjab Legislative Assembly;
- (b) "Family" means the wife or husband, as the case may be, and/or dependent children/parents of a Member; and
- (c) "Economic Rent" means the rent determined by the Chandigarh Administration or the Punjab Government, as the case may be, on the basis of the cost of land and construction thereon.

3. M.L.As' Flats, Servants' Quarters and Motor Garages for the Members:-

- (a) **For whom meant.-** The M.L.As' Flats, Servants' Quarters and Motor Garages are meant for the exclusive use of the Members and their families and no other person shall be entitled to use these premises.
- (b) **Allotment of M.L.As' Flats, Servants' Quarters and Motor Garages:-**
 - (i) A Member seeking allotment of an M.L.As' Flats Servants' Quarter and/ or Motor Garage shall make an application in writing for the purpose to the Secretary.
 - (ii) Allotment of M.L.As' Flat, Servants' Quarters and Motor Garages shall be made by the Secretary with the prior approval of the Speaker.

¹Published by Punjab Vidhan Sabha Secretariat- vide Notification No. A.I.O. (Flats) 2/71/24 dated the 11th/16th March, 1971 [Punjab Government- Gazette (Extraordinary), dated 16th March, 1971].

(iii) The Secretary shall maintain record, showing the names of applicants, the dates of receipt of applications, the dates of allotment and the particulars of M.L.As' Flats, Servants' Quarters and Motor Garages so allotted.

(iv) The M.L.As' Flats, Servants' Quarters and Motor Garages shall be allotted to the Members either on monthly or on daily basis as may be required by the Member.

(v) The M.L.As' Flats during Session days, if available, shall ordinarily be allotted on daily basis.

¹[(v)(a) During the period the Assembly remains dissolved for more than two months, the Speaker may, if he is otherwise satisfied, allot any vacant M.L.As' Flats, Servants' Quarters and/or Motor Garage to a Member of the dissolved Assembly on payment of economic rent, on the condition that these premises shall be vacated immediately before the date of election of next Assembly; and]

(vi) The Secretary shall inform the Executive Engineer, Maintenance Division, the Accounts Officer (Rents) and the Sub Divisional Engineer, Maintenance Sub Division of the Chandigarh Administration ²[Punjab, P.W.D.] of the allotment of M.L.As' Flat, Servants' Quarter and/ or Motor Garage made in favour of a Member. The Sub Divisional Engineer, Maintenance Sub Division shall maintain a register showing the dates of occupation and vacation of M.L.As' Flats, Servants' Quarters and Motor Garages. On allotment of an M.L.As' Flat, Servants' Quarter and/ or Motor Garage to a Member, the Sub Divisional Engineer, Maintenance Sub Division, shall hand over to him the possession of the premises alongwith various items of furniture etc. to be counted in his presence and shall obtain his signatures on the register maintained for the purpose.

Note. - (i) A Motor Garage shall be allotted to a Member only, if he has his own conveyance and has been allotted a flat; and

¹Inserted by Punjab Vidhan Sabha Secretariat - vide Notification No. A.I.O. (Flats) 2/71 dated the 12th June, 1971 (Punjab Government Gazette dated the 27th August, 1971).

²Inserted by Punjab Vidhan Sabha Secretariat - vide Notification No. A.I.O./Flats/97-2000/7 dated the 2nd February, 2000 (Punjab Government Gazette dated the 3rd February, 2000).

(ii) A Servant's Quarter shall be allotted only to a Member, who has been allotted a Flat;

(c) Cancellation of allotment/ vacation of M.L.As' Flats', Servants' Quarters and/ or Motor Garages.- (i) The allotment of a M.L.As' Flats, Servants' Quarter and Motor Garage shall be deemed to have been cancelled when a Member hands over the vacant possession of these premises alongwith furniture etc. to the Sub Divisional Engineer, Maintenance Sub Division, who shall make necessary entries of the same in the relevant register and obtain Member's signatures thereon.

(ii) The allotment of M.L.As' Flats, Servants' Quarter and Motor Garage to a Member shall be deemed to have been cancelled, if he is appointed as a Minister, Minister of State, Deputy Minister, Chief Parliamentary Secretary, Parliamentary Secretary and/ or Speaker or Deputy Speaker and is allotted a house by the Government. He shall vacate the M.L.As' Flats, Servants' Quarter and Motor Garage immediately on allotment of a house by the Government. In the event of his failure to do so, rent equivalent to double the economic rent shall be charged from him from the date of occupation by him of a house allotted by the Government till the date of vacation of M.L.As' Flats, Servants' Quarter and Motor Garage.

(d) Vacation of M.L.As' Flats' Servants' Quarters and Motor Garages.- (i) If a Member to whom an M.L.As' Flat, Servants' Quarter and/ or Motor Garage has been allotted, does not, for any reasons, use these premises for his own residence and/ or that of his family, but allows some other persons(s) to use these premises, his allotment shall be cancelled and he shall not be entitled to allotment of an M.L.As' Flat, Servants' Quarter and Motor Garage for a period of one year after such cancellation. Such a Member shall be charged rent equivalent to double the economic rent for these premises from the date of allotment till the vacation of these premises.

(ii) If a Member to whom an M.L.As' Flat, Servants' Quarter and/ or Motor Garage has been allotted, ceases to be a Member, his allotment

shall be deemed to have been cancelled ¹[fifteen days)] after he ceases to be a Member.

(iii) In the event of the non-vacation of an M.L.As' Flat, Servants' Quarters and/ or Motor Garage after the period of ²[fifteen days] specified in the preceding sub-rule (ii) above, the Secretary shall take steps to get the premises vacated in accordance with the provision of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 or the Public Premises (Eviction of Un-authorized Occupants) Act, 1971.

(iv) For the period the concerned Ex-Member remains in unauthorized occupation of the premises, he shall be charged economic rent for ³[the first fifteen days following fifteen days mentioned above] and thereafter, ⁴[one hundred sixty times] the economic rent till the date of actual vacation of the premises:

Provided that on dissolution of the Assembly, a Member who was allotted an M.L.As' Flat, Servants' Quarter and/or Motor Garage in his capacity as such, may retain with prior permission of the Speaker, these premises on payment of economic rent after the expiry of ⁵[fifteen days] specified in Rule 2(d)(ii) above, till the date of election of the next Assembly].

(e) Rent Chargeable for M.L.As' Flat, Servants' Quarters and Motor Garages.- (i) A Member shall be charged rent for the M.L.As' Flat, Servants' Quarters and Motor Garage allotted to him in his capacity as such at the rates specified in Schedule III of the Punjab Legislative Assembly (Allowances of Members) Rules, 1957.

(ii) A Member, who has been allotted an M.L.As' Flat, Servants' Quarter and/or Motor Garage on monthly basis, shall obtain electricity

¹Substituted vide Punjab Vidhan Sabha Secretariat Notification No. AIO./Flats/2012-17/32, dated the 18th June, 2012

²Substituted vide Punjab Vidhan Sabha Secretariat Notification No. AIO./Flats/2012-17/32, dated the 18th June, 2012

³Substituted vide Punjab Vidhan Sabha Secretariat Notification No. AIO./Flats/2012-17/32, dated the 18th June, 2012

⁴Substituted vide Punjab Vidhan Sabha Secretariat Notification No. AIO./Flats/2012-17/32, dated the 18th June, 2012

⁵Substituted vide Punjab Vidhan Sabha Secretariat Notification No. AIO./Flats/2012-17/32, dated the 18th June, 2012

and water connections direct from the departments concerned and shall be responsible for the payment of electricity and water charges direct.

(iii) A Member, who has been allotted an M.L.As' Flat shall not be entitled to accommodation in the M.L.As' Hostels on concessional rent. However, subject to availability of accommodation in the M.L.As' Hostels, he will be charged Rs.250/- per room per day if he occupies room(s) therein.

ANNEXURE

Extracts from the Punjab Legislative Assembly,
(Allowances of Members) Act, 1942

** ** ** ** ** **

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 rules under Section 5.

** ** ** ** ** **

Section 5

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

Power to
make Rules

(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:-

** ** ** ** ** **

(ee) Provision for residential accommodation of Members mentioned in Section 4-A.

** ** ** ** ** **

**120. RULES FOR REGULATING THE USE OF
ACCOMMODATION IN THE LEGISLATIVE HOSTELS AT
CHANDIGARH**

RULES

1. For whom meant.-The accommodation in the Legislators' Hostels is intended primarily for the convenience and use of members of the Punjab Legislature. For the period beginning two days before the commencement of a Session and ending two days after the termination of the Session (hereinafter called the "Session period") all suites shall be reserved for allotment to the said Legislators subject to the provisions contained in Rules 2 and 3 below.

2. (a) Allotment of accommodation to Members of the State Legislature.- During the Session period, the entire accommodation in the two Legislators' Hostels shall be reserved for Legislators. Allotment of accommodation to Members of the State Legislature shall be made in the following manner:--

- (i) in case reservation is desired by a Member of the Legislative Council, he shall make an application in Form 'IA', to the Secretary of the House Committee of the Legislative Council.
- (ii) In case reservation is desired by a Member of the Vidhan Sabha, he shall make an application in form 'A' to the Secretary of the House Committee of the Vidhan Sabha.

Note.---- In case any Member may be unable to apply, in advance, for the reservation of accommodation in the Hostels, he shall fill in the application form on coming to Chandigarh and give it to the care-taker who will reserve for, or place the accommodation at the disposal of the Member concerned, and send the application form to the Secretary of the House Committee of the respective Legislature for issue of regular allotment order.

- (iii) Allotment shall be made by the Secretary of the House

¹Published in the Punjab Government Gazette vide Notification No. C-12489-61/II/37294, dated the 16th December, 1961.

Committee of the Legislative Council or the Vidhan Sabha, as the case may be, in order of priority.

- (iv) The Secretary of the House Committee of The Punjab Legislative Council or the Vidhan Sabha, as the case may be, shall maintain a register showing the names of the applicants, the date of receipt of applications and the accommodation allotted.
- (v) Members of the Legislative Council or the Vidhan Sabha shall apply for reservation as far as possible a week before the commencement of the session .
- (vi) If for any reason the House Committees are unable to meet, the allotment of accommodation to the Members of the Legislative Council and the Vidhan Sabha shall be made by the Chairman and the Speaker, respectively who may delegate this function to their respective Secretaries.

Notes:- "For purposes of this rule, the entire accommodation in the New Hostel will be at the disposal of the Speaker, Vidhan Sabha. The entire accommodation in the Old Hostel will be at the disposal of the Chairman, Legislative Council, except for room Nos. 1, 9 to 17, 25 to 33 and 41 to 49 which will be at the disposal of the Speaker, Vidhan Sabha. So far as the kitchen, the pantry, the lounge and the dining room, etc.; in each Hostel are concerned, they will be made use of by the catering agency."

2 (b) During the off-Session periods also, the Members of the Punjab State Legislature shall apply on the prescribed form 'A' for the reservation of accommodation in the Hostels. They may either send the applications in advance of the date of occupation of accommodation in the Hostels, or fill-in the application form 'A' on coming to the Hostels and give it to the care-taker who will intimate the date of occupation and vacation of accommodation in such cases to the respective Legislature Secretariat, as well as to the maintenance Division for recovery of rent.

3. (a) Allotment of accommodation during off-Session periods.- During off-Session periods reservation of accommodation may be made in favour of the following categories of applicants subject, however, to the general observation that priority shall be given to the Members of the

State Legislature and subject further to the condition that an applicant falling in the categories mentioned below shall vacate the accommodation on a notice of 24 hours:-

- (i) M.Ps from the Punjab State.
- (ii) M.Ps from other States and Members of other State Legislatures.
- (iii) Gazetted officers of the Punjab Government on duty.
- (iv) Gazetted officers of the Punjab Government not on duty.
- (v) Gazetted officers of the Central and other State Governments on duty.
- (vi) Gazetted officers of the Central and other State Governments not on duty.
- (vii) Members and officers of the Legislatures of foreign countries.
- (viii) Other suitable non-officials with the prior permission of Government in the Capital Project Department, (Preference will be given to persons recommended by the Presiding Officers).

(b) Applications for allotment by persons falling in the categories at 3(a) shall be made in Form 'B' to the Executive Engineer, Maintenance Division, Chandigarh, at least 7 days before the accommodation is required. The Executive Engineer shall maintain a register showing the names of the applicants, the date of receipt of applications and the accommodation allotted. All allotments shall be made in the order of priority of receipt of applications.

(c) In order to ensure that Members of the State Legislature are not put to any inconvenience for want of accommodation during off-Session periods, the Secretary of the House Committee of the Punjab Legislative Council or of the Punjab Vidhan Sabha, as the case may be, shall inform the Executive Engineer, Maintenance Division of the dates on which any meeting of a Committee of the House is to take place. He shall also give information about Legislators' attending such meetings. 10 rooms in the Old Legislators' Hostel shall however, remain reserved for the use of Legislators throughout the year. These 10 rooms shall be inclusive of the two rooms to be used as a Rest House.

4. Rent to be charged in respect of rooms of MLAs' Hostel:- After provisioning of AC's and other modern facilities such as Colour T.V's, the Committee finalized the rent to be charged in respect of rooms in MLA's Hostel as under:-

| Sr No. | Category | Present rate in MLA's Hostel (Per day) |
|--------|--|---|
| 1. | MLA (for one room monthly basis). | 100/-* |
| 2. | MLAs who are allotted flat but also need room for 2/3 days for own use | 500/- |
| 3. | Dependent Family Member of MLA/Ex-MLA** | 500/- |
| 4. | MP from Punjab | 100/- |
| 5. | MP and MLA from other state | 1000/- |
| 6. | Ex-MLA and Ex-MP of Punjab State | 500/- |
| 7. | Guest of MLA/ Minister or Private Person | 1500/- |
| 8. | MPs/ MLAs and Gazetted Officers of other State Governments visitng with the Committees | 500/- Official |
| | Gazetted Officers of other State Governments not on duty | 1500/- Private |
| 9. | Penal Rent | Rent +2000/- |

Note:-

1. For unauthorized occupation of room, penal rent of Rs 2000/- per day + Room Rent will be charged.
2. Reservation will be made for not more than 3 days, which can be extended with the permission of Secretary, Punjab Vidhan Sabha.
3. **Check -out time is 12.00 Noon.**
4. If a guest of the MLA does not clear dues of Room rent etc.the concerned MLA will be responsible for payment of same and the same will be deducted from salary of concerned MLA.
5. Booking of room for the Private Persons will only be allowed as per orders of Hon'ble Speaker/Secretary, Punjab Legislative Assembly

* MLAs who are not having flat,would be charged rupees 100/- for the first room and rupees 500/- for the second room, if required.

** ("Dependent Family Member" means Husband/wife, Mother, Father & Dependant Children.)

1 Amended vide Punjab Vidhan Sabha Secretariat Notification bearing No. AIO/2017/83, dated 19.12.2017.

2 Amended vide Punjab Vidhan Sabha Secretariat Notification bearing No. 04-CIO/HC/2023/47, dated 18.08.2023.

5. Occupation of suites:-

- (i) In no case a suite shall be occupied by more than two persons.
- (ii) Persons who are not members of the Punjab Legislature will not be entitled to stay in the Hostel for more than three days.
- (iii) The arrival and departure of guests should be recorded by them in the register to be maintained for the purpose.
- (iv) A guest who records his departure without surrendering the possession of his room to the care-taker will be charged rent till such possession has been given. (If a guest places some of his belongings in an almirah and locks it up, he will be deemed to be in occupation of the room).

6. Responsibility for loss of property.- Lodgers shall be responsible for their property themselves. In no case shall the Government be responsible for loss of and damage to the personal property of the lodgers.

7. Messing arrangements.- An agency appointed by the Government will run the catering arrangements at fixed rates and lodgers may avail of the same and arrange directly with the said agency.

8. Payments.- Bills for lodging and catering will have to be settled in full by the lodgers before leaving the Hostels. Lodgers falling in category 3(a) (vii) will be required to pay lodging charges in advance of allotment of accommodation. In the case of Legislators, the lodging charges shall be recovered by deduction from the bills of their monthly allowances.

9. Miscellaneous.-(a) Lodgers shall use electricity and water economically as possible. They shall put off the light and switch off the fans before leaving the suite and shall not use electric heater or radios or other electric appliances.

- (b) Lodgers shall be liable for any damage caused to the furniture or

fittings in the suites under their occupation or in the occupation of their guests.

(c) No dogs or pets shall be allowed in the suites.

(d) No cooking shall be permitted in the rooms or in the verandah of the Hostels. The lodgers shall have to provide their own linen such as bed sheets, pillow cases, towels etc.

(e) The servants attached to the Hostels shall not be used for personal errands or for any private work.

(f) A telephone is provided on the premises for the convenience of Lodgers. Local and Trunk Calls shall be allowed to be made from the telephone on payment of full charges, in advance, to the attendant incharge of the telephone.

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
Commencement

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

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

Definition

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 erstwhile State of Patiala and East Punjab State Union; or
- (iv) Partly as a Member of one and partly as a Member of the other.

3. ²{(1) There shall be paid to every person, who remained as a Member, a pension of ⁴[fifteen thousand rupees] per mensem plus Dearness Allowance thereon (as admissible to the Punjab Government Pensioners) for the first term, and an additional ⁵[ten thousand rupees] plus Dearness Allowance thereon (as admissible to the Punjab Government pensioners) for every subsequent term, irrespective of the tenures of the Punjab Vidhan Sabha, in which he had served as a Member: }

¹Government 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.

²Substituted S. 3(1), (1-A) and (1-B) with S. 3(1) & 3(1-A) vide Punjab Act No. 31 of 2006 vide Notification No. 42-Leg/2006. dt. 30.10.2006 with immediate effect.

³Substituted S. 3(1), vide Punjab Act No. 12 of 2010 vide Notification No. 19-Leg./2010, dt. 27.10.2010 (w.e.f. 27.10.2010)

⁴Substituted vide Punjab Act No. 30 of 2016 w.e.f. 26.10.2016 vide Notification No. 37-Leg./2016, dated 26.10.2016

⁵Substituted vide Punjab Act No. 30 of 2016 w.e.f. 26.10.2016 vide Notification No. 37-Leg./2016, dated 26.10.2016

Provided that when a person, who had 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.

¹{(1-A) Omitted

(1-B) Omitted. . }

²[(I-C) Omitted.

(I-D) Omitted.

(I-E) Omitted.]

(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) ³Omitted.

(4) ⁴Omitted.

¹Omitted vide Punjab Act No. 31 of 2016 vide notification No. 38-Leg./2016 dated 26.10.2016 w.e.f. 30.10.2006.

²Omitted vide Punjab Act No. 9 of 2002 w.e.f. 12.7.2002.- Notification No. 11-Leg/2002, dated 12.07.2002.

³Omitted vide Punjab Act No. 5 of 1992, vide Punjab Govt. Notification No. 7-Leg./92, dated the 29th July, 1992.

⁴Omitted vide Punjab Act No. 31 of 2006 w.e.f. 30.10.2006.

¹[(5) No person shall be entitled to pension under this Act for or in respect of the term and during the period for which he is disqualified by the Court of competent jurisdiction under the provisions of the Representations of the People Act, 1951.]

Recovery of Government dues from pension.

²**[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. ³{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.

⁴**[3-B** ⁵{(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 of 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}.

¹Substituted S.3(5) vide Punjab Act No. 31 of 2016 bearing Notification No. 38-Leg./2016, dt. 26.10.2016 (w.e.f. 30.10.2006)

²Section 3-A inserted, vide Punjab Act No. 23 of 1978.

³Inserted, vide Act No. 24 of 1981.

⁴Substituted vide Punjab Act No. 16 of 1993 vide Notification No. 16-Leg./93, dt. 06.05.1993. w.e.f. 29.07.1992

⁵Section 3-B re-numbered as 3B(1) and sub-section (2) added vide Act No. 8 of 2006 w.e.f. 05.04.2006 vide No. 8-Leg/2006, dt. 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.]

Medical facilities

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.]

Ex-gratia grant

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 ⁴[five lac rupees.]

⁵[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 ⁶[five lac 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.)

Power to make Rules

5. (1) The State Government 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 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;

¹Inserted, vide Act No. 21 of 1998.

²Substituted for words "as are, from time to time, admissible to Class-1 Officers of Punjab Government", vide Act No. 10 of 1986.

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

⁴Substituted vide Punjab Act No. 22 of 2015-vide No. 23-Leg./2015, dt. 15.05.2015 w.e.f. 15.05.2015.

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

⁶Substituted vide Punjab Act No. 22 of 2015-vide No. 23-Leg./2015, dt. 15.05.2015 w.e.f. 15.05.2015.

(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.

**22. THE PUNJAB STATE LEGISLATURE MEMBERS
(PENSION AND MEDICAL FACILITIES REGULATION)
RULES, 1984.**

1. Short title and commencement.-(1) These rules may be called the Punjab State Legislature Members (Pension and Medical Facilities Regulation) Rules, 1984.

(2) They shall come into force at once.

2. Definitions.- In these rules, unless the context otherwise requires.--

(a) "Act" means the Punjab State Legislature Members (Pension and Medical Facilities Regulation) Act, 1977 (Punjab Act No. 5 of 1977);

(b) "Forms" means a form appended to these rules;

(c) "Government" means the Government of the State of Punjab in the Department of General Administration (Research Cell, Parliamentary Affairs);

(d) "Pensioner" means a person to whom pension has been sanctioned under these rules;

(e) "Secretary" means the Secretary of the Punjab Vidhan Sabha;

(f) "Speaker" means the Speaker of the Punjab Vidhan Sabha.

3. Application for pension.-(1) A person entitled to pension under the Act shall make an application in part A of form I in duplicate, to the Secretary:

¹Provided that where a person entitled to pension under the Act had died before applying for pension or after applying but before receiving the amount of pension, the legal heir(s) of the deceased shall make an application to the Secretary in Part 'AA' of form I enclosing herewith his (their) photograph(s) accompanied by a death certificate and a succession certificate.

(2) The application referred to in sub-rule (1), shall be accompanied by three passport size contemporary photographs of the applicant duly attested by a Gazetted Officer.

¹Added vide Punjab Government Notification No./G.S.R. 39/P.A. - 5/77/S-5/Amd. (2)/86, dated 29th May, 1986.

(3) On receipt of the application for pension, the Secretary or any officer not below the rank of Deputy Secretary authorized by him, shall verify the facts stated therein, with reference to the records available with him and with a view to determining as to whether the applicant is entitled to any pension under the provisions of the Act and he may hold such enquiry and may call for such further information from the applicant, as he may deem fit:

¹Provided that where an application is made by the legal heir(s) under the proviso to sub-rule (1). the Secretary or any officer not below the rank of Deputy Secretary authorized by him shall verify and satisfy himself as to the entitlement of pension of the deceased person under the Act and also to the claim of the heir(s) with reference to record available with him.

4. Sanction of pension.--- The Secretary shall, if the facts stated in the application for pension made under Rule 3 are found correct and the application is not otherwise defective, record a certificate as given in part B of form I and submit the application to the Speaker, ²[who shall pass an order in part C or part D of form I, sanctioning the pension of the applicant or life time arrears as the case may be, of pension of the deceased person to the legal heir(s).]

5. Authorisation for payment of pension.---(1) After an order sanctioning the pension is passed under Rule 4, a copy of the application submitted under Rule 3 alongwith such order and two photographs of the applicant shall be sent to the Accountant General, Punjab.

(2) the Accountant General, Punjab, shall after satisfying himself that the papers submitted to him under sub-rule (1) are in every respect in order and the amount of pension has been correctly sanctioned, issue a Pension Payment Order as is issued in the case of a Class-I Officer of the State Government.

6. Drawal of pension.--- (1) The pension under the Act shall be drawn by the Pensioner from the Treasury in the manner in which a retired

¹Added vide Punjab Government Notification No.G.S.R. 39/P.A. - 5/77/S-5/Amd. (2)/86, dated 29th May, 1986.

²Substituted for the words "who shall pass an order in Part C of Form 1, sanctioning the pension of applicant", vide G.S.R. 39/P.A-5/5/Amd(2)/86, dated 29th May, 1986.

Class-I Officer of the State government draws his pension.

(2) The pensioner drawing pension under these rules shall also furnish a certificate to the concerned Treasury Officer in form-II, whenever he claims payment of his pension and no payment shall be made if he fails to do so.

7. Due date for payment of pension.- The pension sanctioned under these rules become due for payment only on the expiry of the month to which it relates.

8. Cancellation or modification of pension.- (1) If after the communication of the order sanctioning the pension, any fact which has a bearing on the sanction or the amount of pension already sanctioned, comes to the notice of the Speaker, he shall after due verification, issue an order cancelling or modifying the order made under Rule 4 and communicate the same to the Accountant General, Punjab:

Provided that no order cancelling or modifying the pension shall be issued except after giving the pensioner an opportunity of being heard.

(2) The Accountant General, Punjab, shall, on receipt of an order under sub-rule (1), recall the Pension Payment Order and cancel or modify the same accordingly.

(3) Consequent upon the cancellation or modification of pension under sub-rule (1), the excess amount, if any, received by the pensioner shall, in case of cancellation, be recoverable in lump-sum and, in case of reduction, be liable to be adjusted against future payment of pension.

9. Any amount recoverable under Section 3-A of the Act from any person may be recovered from his pension admissible under the Act by the Speaker.

¹9-A. Family pension.-(1) The spouse of the deceased Member who is entitled to pension under the Act shall submit an application for claiming family pension to the Secretary, in Part 'A' of Form VIII.

(2) On receipt of an application for family pension under sub-rule (1), the Secretary or any other officer not below the rank of a Deputy Secretary authorised by him, shall verify the facts stated therein, with reference to the records available with him with a view to determining as

¹Added vide Punjab Government Notification No. G.S.R. 85/P.A. - 5/77/55/Amd/94, dated 19th December, 1994.

to whether the applicant is entitled to the family pension or not under the provisions of the Act and for this purpose he may hold such enquiry and may call for such further information from the applicant as he may deem fit.

(3) The Secretary or the Deputy Secretary, as the case may be shall, if the facts stated in the application for family pension submitted under sub-rule (1) are found correct and the application is not otherwise defective, submit the application to the Speaker who shall pass an order in part B of Form VIII, sanctioning the family pension to the applicant.

(4) (a) After an order sanctioning the family pension is passed by the Speaker under sub-rule (3), a copy of the application along with the sanction order and two photographs of the applicant, shall be sent to the Accountant General, Punjab, by the Secretary for issuing family Pension Payment Order.

(b) The Accountant General, Punjab, shall after satisfying himself that the papers submitted to him are in every respect in order and the amount of family pension has been correctly sanctioned, issue a family Pension Payment Order.

(5) (a) The family pension shall be drawn by the spouse of the deceased Member from the concerned Treasury.

(b) The spouse of the deceased Member drawing family pension under these rules shall also furnish a certificate to the concerned Treasury Officer in part C of Form VIII whenever he or she claims payment of his or her family pension and no payment shall be made if the spouse fails to do so.

6. The family pension sanctioned under these rules shall become due for payment only on the expiry of the month to which it relates.

10. Medical reimbursement.- ¹[(1) A Member shall be entitled, for himself and for the members of his family, full reimbursement of actual expenses on outdoor and indoor treatment and treatment of chronic diseases.]

(2) A Member for claiming medical reimbursement for himself and for the

¹Substituted vide Punjab Government Notification No. G.S.R. 4/PA-5/77/S.5/Amd.(5)2004, dated 8.1.2004 (Parliamentary Affairs Department) w.e.f. 23-4-2003.

members of his family, shall submit the bill to the Secretary in Form III along with the essentiality certificate in Form IV:

Provided that where a Member entitled to medical reimbursement under the Act dies before claiming the amount of medical reimbursement, the legal heirs of the deceased Member shall make an application to the Secretary in Form V accompanied by a death certificate and also a succession certificate for claiming payment of such an amount of medical reimbursement:

Provided further that where a Member entitled to medical reimbursement under the Act dies after claiming but before actually receiving the amount of medical reimbursement, the legal heirs of the deceased Member shall submit death certificate of the deceased Member as also a succession certificate to the Secretary.

(3) If the Secretary is satisfied that the documents and the bill submitted to him under sub-rule (2) are complete in all respects, he shall sanction the amount of reimbursement and any officer not below the rank of Deputy Secretary authorised by him in this behalf shall countersign Form III.

(4) Where an application is made by the legal heirs under the provisions to Sub-rule (2), the Secretary shall verify and satisfy himself as to the entitlement of claim of the deceased Member under the Act and also to the claim of the heirs with reference to the record available with him and then sanction the amount of reimbursement and any officer not below the rank of Deputy Secretary authorised by him in this behalf shall convey the sanction in Form VI.

Explanation--- For the purposes of this Rule, the expression "Members of the family" in relation to a Member shall mean,-

- (a) husband or wife, as the case may be;
- (b) sons and daughters;
- (c) father and mother; and
- (d) brothers and sisters :

Provided that they are residing with the Member and are wholly dependent upon him and are unemployed and have no source of income of their own.

10A. Ex-gratia Grant.-(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 ¹[one lakh rupees].

(2) The Member of the family of the deceased Member shall submit an application for claiming ex-gratia grant to the Secretary in Part 'A' of Form-VII.

²[Provided that where the Member dies as result of terrorist act, the members of his/her family shall submit alongwith the application a certificate issued by the Deputy Commissioner of the concerned district to the effect that the death of the Member had occurred as a result of terrorist act.]

(3) On receipt of application for ex-gratia grant, the Secretary or any officer not below the rank of Deputy Secretary authorised by him, shall verify the facts stated therein, with reference to records available with him with a view to determining as to whether the applicants is/are entitled to any ex-gratia grant under the provisions of the Act and for this purpose he may hold such enquiry and may call for such further information from the applicants as he may deem fit.

(4) Sanction of Ex-gratia grant.----The Secretary shall, if the facts stated in the application for ex-gratia grant submitted under Sub-rule (2) are found correct and the application is not otherwise defective, forward the application to the Speaker who shall pass an order in part B of Form VII, sanctioning the ex-gratia grant to the applicant(s).

(5) Authorisation for the payment of ex-gratia grant.- After the amount of ex-gratia grant is sanctioned by the Speaker, a copy of the application alongwith the sanction order shall be sent to the concerned Deputy Commissioner for drawing and disbursing the amount to the applicant(s) and the expenditure so incurred shall be debitable to the major head "2285- Social Security and Welfare, 60- Other Social Security and Welfare Programme, 200-Other Programmes, 8 - Ex-gratia Payments to families of Ministers, Government Servants etc., dying in harness other charges (Non-plan)."

¹Amount revised from Rs. 1 lac to Rs. 5 lacs vide Punjab Act No. 22 of 2015,-vide Notification No. 23-Leg./2015, dt. 15-05-2015, (Amendment to this rule is under process.)

² Added vide Punjab Government Notification No. G.S.R. 64/P/A-5/77/S.5/ Amd.(3)86, dated 7th October, 1986.

"Explanation.- For the purposes of this rule, the expression "members of his family" in relation to a deceased Member shall mean the husband or the wife, as the case may be, of such deceased Member who was residing with him and was wholly dependent upon him, his sons and daughters, who are unemployed and having no source of income of their own and were wholly dependent on the deceased Member, as certified by the Deputy Commissioner.

11. Interpretation.- If any question arises as to the interpretation of these rules, the Government shall decide the same.

12. Repeal and saving.- The Punjab State Legislature Members (Pension and Medical Facilities Regulation) Rules, 1984 are hereby repealed.

Provided that any order issued or any action taken under the rules so repealed shall be deemed to have been issued or taken under the corresponding provisions of these Rules.

CHAPTER VIII

23. INDIAN PARLIAMENTARY ASSOCIATION PUNJAB STATE LEGISLATURE PARLIAMENTARY GROUP RULES

1. Title.- There shall be a 'Parliamentary Group' of the Punjab State Legislature (hereinafter referred to as 'The Punjab Group') affiliated to the Indian Parliamentary Association.

2. Objects.- The aim of the Punjab Group is to do such things as are incidental and conducive to the attainment of the object for which the Indian Parliamentary Association is formed i.e. to provide principally a forum where Members of Parliament as also of the State Legislatures, irrespective of party affiliations, meet and discuss freely questions of policies with reference to matters of common interest, such as Education, Public Health, Internal Trade and Commerce, Food and Agriculture, Local Self-Government i.e. matters enumerated in Lists II and III of the Seventh Schedule to the Constitution of India so as to be helpful to each other in the moulding of such policies and in evolving a common or uniform point of view in respect of such questions and to advance national unity by affording opportunities of personal contacts.

3. Office.- The office of the Punjab Group shall be located in the Vidhan Bhavan, Chandigarh.

4. Ordinary Members.- (1) Any sitting Member of the Punjab Vidhan Sabha shall be entitled to become a Member of the Punjab Group on payment of the subscription.

(2) An Ordinary Member of the Punjab Group on ceasing to be a Member of the Punjab Vidhan Sabha may become an Affiliate Member without any election.

(3) Every Ordinary Member or Affiliate Member who joins the Punjab Group shall be taken to have given his assent to the Aims and Objects of the Punjab Group as set out in Rule 2.

5. Affiliated Members.- (1) Ex-Members of the Punjab Vidhan Sabha may be elected by the Executive Committee of the Punjab Group as Affiliated Members of the Punjab Group on payment of the subscription.

(2) All candidates for affiliated membership shall be

proposed by an Ordinary Member of the Punjab Group and seconded by another Ordinary Member.

(3) An Affiliated Member on becoming a Member of the Punjab Vidhan Sabha may become an Ordinary Member without any election.

(4) An Affiliated Member shall be entitled to the following facilities only:-

- (a) to get letters of introduction to the Secretaries of Parliament, of other State Legislatures in the Indian Union and of Parliaments in foreign countries in connection with his visits thereto;
- (b) to be provided, if possible, with the information on any subject of public importance, and
- (c) to participate in the activities of the Punjab Group other than those relating to management of the Punjab Group.

(5) An Affiliated Member shall not be entitled to representation of meetings of Conference of the Inter Parliamentary Union nor to the travel concession provided to Ordinary Members.

6. Subscription.- Every Member, upon joining the Punjab Group, shall pay an annual subscription of Rs. 500. The life subscription shall be Rs. 2500/-.

Explanation.- Annual subscription means subscription for one calendar year.

7. President.-- (1) The Speaker of the Punjab Vidhan Sabha shall be the ex-officio President of the Punjab Group.

(2) If the President is not present at any meeting of the Punjab Group of the Executive Committee, the Punjab Group of the Executive Committee shall choose another Member to act as President for that meeting.

8. Vice Presidents.- The Deputy Speaker of the Punjab Vidhan Sabha, and the Leader of the Opposition in the Punjab Vidhan Sabha shall

be the Ex-officio Vice Presidents of the Punjab Group:

Provided that when an Ordinary Member in the Punjab Group ceases to be a Member of the Punjab Vidhan Sabha, he shall be considered to have relinquished the charge of that office with effect from that date.

9. Secretary.- The Secretary, Punjab Vidhan Sabha, shall act as Ex-officio Secretary of the Punjab Group.

10. Executive Committee.- The management and control of the affairs of the Group shall be vested in an Executive Committee consisting of not more than nine Members of whom the President and the Vice-Presidents shall be ex-officio and the remaining shall be elected.

11. Meetings.- (1) The Annual General Meeting of the Punjab Group shall ordinarily be held in March every year on such date, time and place as the President may fix.

(2) The President may also having regard to the business, call General Meetings of the Punjab Group from time to time.

(3) The President may call meetings of the Executive Committee from time to time as may be necessary.

(4) On a requisition in writing from not less than 15 members of the Punjab Group, the President shall summon a Special General Meeting.

12. Quorum.- The quorum of the meetings of the Executive Committee shall be three and that at the General Meetings shall be as near as may be, 1/10th of the total number of Members, the fraction, if any, being ignored.

13. Voting.- Every Member shall have one vote. Questions shall be determined by a majority of Members present and voting. In case of an equality of votes, the person presiding shall have a second or casting vote.

14. Business to be Placed before the Annual General Meeting.- The following business shall be placed before the Annual General Meeting:-

- (i) report of work done in the year with a statement of accounts;
- (ii) election of the Executive Committee; and
- (iii) appointment of an Auditor.

15. Duties of the Secretary.- The Duties of the Secretary shall be--

- (i) to keep records of all meetings of the Punjab Group as also of the Executive Committee;
- (ii) to keep in custody all records of the Punjab Group;
- (iii) to keep true and correct accounts of the receipts and disbursements and to get the same audited;
- (iv) to submit draft of the Annual Report before the Executive Committee;
- (v) to convene meetings as directed by the President; and
- (vi) to carry out such other directions as the Punjab Group, the Executive Committee or the President may give.

16. Arrangements of affairs in the event of General Election to the Punjab Vidhan Sabha.- In the event of the General Election to the Punjab Vidhan Sabha, the Office-bearers and the Executive Committee shall carry on the affairs of the Punjab Group until the election of the Speaker, the other office-bearers and the remaining members of the Executive Committee.

17. Amendment to rules.- Any amendment to these rules shall be proposed at the Annual General Meeting of the Punjab Group. Notice of the proposed amendment shall be given in writing to the Secretary seven days before the date of the meeting.

**24. RULES OF THE PUNJAB BRANCH OF THE
COMMONWEALTH PARLIAMENTARY ASSOCIATION
NAME AND OBJECTS**

1. Name.- The name of the Organization is the "Commonwealth Parliamentary Association, Punjab Branch" (hereinafter called "This Branch").

2. Objects.- This Branch shall do all such things as are incidental or conducive to the attainment of the objects for which the Commonwealth Parliamentary Association, (hereinafter called "the Association") is formed viz. to promote understanding and co-operation for common purposes between those engaged in the Parliamentary Government of the countries of the Commonwealth by the establishment of machinery for the exchange of information and of individual visits and for the organisation of Conferences between Members of the Legislatures of the Commonwealth, and also to promote understanding and co-operation by similar means between those Members and the Members of the Legislatures outside the Commonwealth having close political and Parliamentary Association with them.

In particular and without derogation from the generality of the objects of the Association set forth in its Constitution, this Branch shall endeavour as far as possible to provide for its Members the privileges set forth in the Constitution of the Association, viz:-

(a) Introduction and hospitality.- This Branch shall use its best endeavours to provide introductions and hospitality for Members visiting from other countries. The Secretary of this Branch having been notified of the intended arrival of a Member by the Secretary of the Branch to which the Member belongs, and having been presented with a letter of introduction for purposes of identification, shall arrange for him a cordial reception and provide him with personal introduction, if so desired. In all cases where a Member is visiting the country where the Headquarters of the General Council are situated, the Member shall be provided also with an introduction to the Secretary General who shall arrange for the visiting Members to meet those interested in the work of the General Council at social and other gatherings.

- (b) **Travel facilities.-** The Association shall endeavour to secure special terms for its Members when visiting those countries where Branches exist. With this in view, the Secretary of this Branch, with the assistance of the Secretary-General wherever necessary or advisable shall be responsible for negotiations with land, water and air transport boards or companies operating in or from the territory of this Branch.
- (c) **Publications.-** Every Member shall be entitled to receive "The Parliamentarian", which is a Journal of Parliaments of the Commonwealth and on any issue of special information which may hereafter be authorised and published by the General Council, shall be circulated in the manner determined by the General Council.
- (d) **Parliamentary Privileges.-** The Association shall endeavour to arrange for its Members visiting any country in which a Branch exists to receive preferential treatment for the purpose of hearing debates and meeting other Members of the Association.
- (e) **Special information.-** The Secretary-General and the Secretaries of the Branches shall endeavour to provide special information on any subject which Members may wish to investigate.

OFFICE

- 3. **Office.-** The office of this Branch shall be located in the Vidhan Bhavan, Chandigarh.

MEMBERSHIP

- 4. **Ordinary Members.-** Any sitting Member of the Punjab Legislative Assembly shall be entitled to become an Ordinary Member of this Branch, without election, on payment of the subscription for the current year.
- 5. **Associates.-** Any Member of this Branch upon ceasing to be Member of the Punjab Legislative Assembly or ex-Member of any Branch of the Association permanently residing in Punjab may, subject to the approval of the Executive Committee, become an Associate of this Branch, subject to the provisions of Rules 6 and 7, upon payment of the subscription for the current year. Associates shall not be entitled to take part in the management of this Branch.

6. Visiting Members, Honorary Members and Associates.- All Ordinary Members of Main Branches or Auxiliary Branches or Affiliated Branches or Associated Groups in other Legislatures, who may be visiting Punjab shall be accepted without election and without subscription as Honorary Members of this Branch during their visit to Punjab. For the purpose of this Rule, a visit to Punjab shall ordinarily mean a visit of not more than three months in duration but the Executive Committee shall have power to extend the period in individual cases.

7. Life Members and Life Associates.- Any sitting Members of the Punjab Legislative Assembly shall be entitled to become, without election, a Life Member of this Branch on payment of the prescribed Life Subscription. A Life Member ceasing to be a Member of the Punjab Legislative Assembly shall become a Life Associate without payment of any further subscription. Ex-Members of this or any other Branch permanently residing in Punjab and desiring to rejoin or join this Branch may be elected by the Executive Committee as Life Associates on payment of a Life Subscription.

8. Privileges of Members and Associates.- Ordinary Members and Life Members shall be entitled to all the privileges set out in Rule 2.

Associates and Life Associates shall be entitled to all such privileges, with the exception of those headed (b) and (d) in Rule 2 which can only be guaranteed to ordinary Members and Life Members of this Branch.

Visiting Members shall be given a "Privilege" ticket which on being produced to any official of the Punjab Legislative Assembly Secretariat shall entitle them:-

- (a) to use Speaker's Gallery of the Punjab Legislative Assembly for the purpose of hearing debates, and the Library of the Punjab Legislative Assembly under conditions to be determined by the competent authority;
- (b) to enter the lobbies and corridors of the House and pass through them;
- (c) to use any dining and refreshment rooms specified on their privilege ticket but not to bring any guests with them; and
- (d) to exercise any other privilege specified on their privilege ticket.

Visiting Associates of Branches in other Legislatures shall be afforded such privileges as the Executive Committee shall determine.

9. Subscriptions- The annual subscription of this Branch for Ordinary Members or Associates, other than Visiting Members or Associates, shall be Rs. 500/- per annum, payable by the end of February each year. The Life Subscription shall be Rs. 2,500/-.

Explanation. – "Annual Subscription" means subscription for one calendar year.

10. Payment of subscriptions.- Every Member or Associate other than a Visiting Member or Associate, shall upon joining this Branch pay the annual subscription for the year.

11. Unpaid subscriptions.- A notice shall be issued by the middle of January every year to all Members drawing their attention to the fact that under the Rules of this Branch, their subscriptions would fall due on the last day of February following. If any Member's subscription remains unpaid for one month from the date on which it becomes payable, second notice shall be issued requesting him to pay the subscription within a month and if his subscription remains unpaid for a month after the date of such notice, the Member shall cease to be a Member of this Branch, and his name shall be removed from the list of Members:

Provided that a Member whose name has been so removed from the list of Members shall be re-enrolled as a Member without election by the Executive Committee if his subscription for the year is paid before the end of the calendar year.

A Member who has not regularly paid his subscription in accordance with these Rules shall not be eligible for appointment or election as one of Delegates to visit the country of any other Branch.

12. Resignation of Membership.- A Member or Associate may, at any time, resign from membership of this Branch by giving notice to the Secretary, provided that such notice shall not affect the liability of the Member to pay the subscription for the current year.

13. Officers.- The officers of this branch shall be the President and the Vice-Presidents.

14. President.- The Speaker of the Punjab Legislative Assembly shall be the ex-officio President of this Branch provided he is a Member of this Branch and willing to accept such office. In the event of his ceasing to be a Member of this Branch, or declining to accept such office, the Executive Committee shall have power to elect a President from amongst the Members of this Branch, subject to confirmation at its next Annual General Meeting.

15. Vice-President.- The Leader of the House and the Leader of the Opposition in the Punjab Legislative Assembly shall be the ex-officio Vice-Presidents of this Branch provided they are Members of this Branch.

In the event of any of them ceasing to be a Member of this Branch, the Executive Committee shall have power to elect a Vice-President from amongst the Members of this Branch subject to confirmation at its next Annual General Meeting.

16. Secretary.- The Secretary of the Punjab Legislative Assembly shall act as ex-officio Secretary of this Branch.

17. Executive Committee.- The management of the affairs of this Branch shall be vested in an Executive Committee consisting of not more than nine Members of whom the President and the Vice-Presidents shall be ex-officio and the remaining Members shall be elected at the Annual General Meeting from the Ordinary Members of this Branch. The Committee shall hold office until the next election.

18. Retirements from the Executive Committee.- At the Annual General Meeting, all the members of the Executive Committee, other than the Ex-officio President and ex-officio Vice-Presidents shall retire from office, but shall be eligible for re-election.

19. Casual vacancies.- The Executive may fill any casual vacancy occurring among the officers of this Branch, or in the Executive Committee by electing a suitable person from amongst the ordinary Members to fill the vacancy, and any person so elected shall hold office for the unexpired period of the term of office of the person in whose place he has been elected.

20. Conduct of Business of the Executive Committee.- The Executive Committee may regulate the conduct of its business in such manner as it deems fit.

Questions arising at any meeting of the Executive Committee shall be decided by a Majority of votes. In case of equality of votes, the President of the meeting shall have a second or casting vote.

The Secretary may, in consultation with the President and shall on receipt of a requisition from any three members of the Executive Committee, summon a meeting of the Executive Committee. The quorum for a meeting of the Executive Committee shall be three.

21. Annual General Meeting.- The Annual General Meeting of this Branch shall ordinarily be held in Chandigarh in March every year or on such date and at such place as the Executive Committee shall direct. At this meeting, the Annual Report and the Accounts of this Branch, and any other business of which not less than seven clear days' notice has been given shall be considered:

Provided that the President of the Meeting may, in his discretion, dispense with the requirement of the period of notice for the consideration of any important matter.

Notices of the Annual General Meeting of this Branch, with copies of the Annual Report and of the Accounts of the preceding year, shall be delivered or posted to each Member of this Branch residing in Punjab not less than fourteen clear days before the date appointed for such a meeting and shall show the business to be transacted thereat: provided that any Member may bring before the Annual General Meeting any business other than that stated in the said notice if seven clear days' before the date of the meeting notice in writing of his intention to do so has been received by the Secretary, who shall send or post a copy thereof to each Member of this Branch at least three days before the date of the Annual General Meeting.

22. Special General Meeting.- A Special General Meeting may be convened at any time and place appointed by the Executive Committee.

On receipt of a requisition in writing from not less than 15 Members of this Branch, the Executive Committee shall summon a Special General Meeting. The requisition shall contain a statement of the business for which the meeting is to be called.

Not less than ten clear days' notice shall be given of any Special General Meeting of this Branch provided that the Executive Committee may for reasons of urgency, convene a Special General Meeting of this Branch at a shorter notice.

No business shall be transacted at a Special General Meeting other than that specified in the notice convening the meeting.

23. Quorum for General Meeting.- One tenth of the total number of Members, the fraction, if any being ignored, shall form the quorum for a General Meeting. No business shall be transacted at any General Meeting unless a quorum is present at the time when the meeting proceeds to business.

If a General Meeting has to be adjourned for want of a quorum no quorum shall be necessary for the adjourned meeting, provided that the adjourned meeting shall not be held at a notice of less than three days.

24. Voting.- Questions arising at a General Meeting of this Branch shall be decided by a majority of votes. Every Member shall have one vote. In case of equality of votes, the President of the Meeting shall have a second or casting vote:

Provided that no Member shall be entitled to vote on any question at a General Meeting of this Branch unless he has been a Member of this Branch for at least 30 days prior to the date of the meeting.

25. Membership of the Executive Committee.- Every Ordinary Member of this Branch entitled to vote at its Annual General Meeting shall be eligible for election to the Executive Committee on being duly proposed and seconded by an Ordinary Member. Nominations shall be handed to the Secretary seven clear days prior to the Annual General Meeting and shall contain the names of the proposer and the seconder and a declaration that the Member nominated has consented to serve upon the Executive Committee, if elected.

26. Appointment of Delegates to Conferences and Representatives on the General Council.- The Executive Committee shall appoint from amongst the Members of this Branch, delegates to attend the Conferences of the Commonwealth Parliamentary Association, to be held from time to time and when occasion requires shall select representatives who shall serve on the General Council of the

Association in accordance with the provisions laid down in its Constitution or as determined from time to time by the General Council.

No Member who has not been on the roll of this Branch for a minimum period of three months shall be eligible for appointment as a Member of any delegation to attend Parliamentary Conferences or as a Member of the General Council or to represent this Branch outside Punjab.

27. Alteration of Rules.- These Rules may be altered at an Annual General Meeting or at a Special General Meeting of this Branch, provided that due notice has been given of the proposal to alter them.

CHAPTER IX

25. PUNJAB VIDHAN SABHA RULES REGULATING ADMISSION OF REPRESENTATIVES OF THE NEWSPAPERS AND NEWS AGENCIES TO THE PRESS GALLERY.

In exercise of the powers conferred by Rule 113 of the Rules of Procedure and Conduct of Business in the Punjab Legislative Assembly, the Speaker is pleased to make the following rules regulating admission of representatives of the newspapers and news agencies to the Press Gallery of the Punjab Vidhan Sabha. The rules on the subject published under Notification No. FCB/Misc.- 14-59/67, dated the 29th June 1959, stand superseded.

1. The Speaker may be advised in regulating admission to the Press Gallery by the Press Gallery Committee.
2. The Press Gallery Committee shall consist of all the Press representatives who are issued permanent cards for and allotted permanent seats in the Press Gallery of the Punjab Vidhan Sabha, membership being renewed every year in the month of January.
3. A President, Vice-President and a Secretary shall be elected by the members of the Press Gallery Committee every year from amongst themselves. The meeting for the purpose shall be held in the first week of January or at least 15 days before the commencement of the Budget Session, whichever is earlier:-

¹[Provided that the President, Vice-President or Secretary shall not hold office for more than two terms consecutively.]

4. Election shall be conducted by the Secretary, Punjab Vidhan Sabha.
5. All meetings of the Press Gallery Committee shall be held in the premises of the Vidhan Bhavan.
6. Accreditation Cards may be issued by the Secretary, Vidhan Sabha to Press Representatives, on verification of applications received from the Editor/Manager of the Newspapers/News Agencies, the cards may be signed by any other officer authorised in this behalf.
7. **Permanent Press Gallery Cards and Accreditation Cards may be issued to a Press Representative who:-**

(a) is a working journalist, as defined in the Working Journalists (Conditions of Service) and Miscellaneous Provision Act, 1955;

¹Added-vide Gazette Notification No. PVS/PG(2)73/4, dated the 6th February, 1973 (Punjab Government Gazette, dated the 16th February, 1973)

(b) has covered the proceedings of the Parliament or a State Legislature, for at least ¹[five] years.]

²[(c)the representatives should be on the pay roll of the newspapers, news agencies/ A.I.R. (monthly pay slip and provident fund account number may be supplied to the Vidhan Sabha Secretariat by way of proof) :

Provided that the Speaker may relax the condition relating to experience of coverage of Vidhan Sabha proceedings in case of genuine, bona fide journalist.]

8. Permanent Press Gallery Cards and Accreditation Cards may be issued only to the Representatives of the ³[Morning] Dailies of the Punjab, ⁴[Chandigarh] and Delhi ⁵[which have minimum circulation of 50,000 copies certified by Audit Bureau of Circulation] and the representatives of the news Agencies including the All-India Radio ⁶[and Doordarshan] subject to the conditions provided in Rule 7.

⁷**8-A.** If any Correspondent/ Representative of a Newspaper/ News Agency, located at any place other than those referred to in Rule 8, makes a request for a permanent Press Gallery Card, the same shall, subject to the conditions provided in Rule 7, be considered by the Press Gallery Committee on merits keeping in view the circulation, importance and coverage given by such Newspaper/ News agency to the proceedings of the Vidhan Sabha and the State of Punjab during the preceding one year.]

⁸**8-B.** The representative must be covering Punjab.]

⁹**8-C** In case a permanent representative changes his/her paper/

¹Inserted vide Pb. Vidhan Sabha Sectt. No. AIO/PG/1/2009/17, dt. 27.05.2009.

²Inserted vide Pb. Vidhan Sabha Sectt. No. AIO/PG/1/2009/17, dt. 27.05.2009.

³Inserted vide Pb. Vidhan Sabha Sectt. No. AIO/PG/1/2009/17, dt. 27.05.2009.

⁴This word was inserted by Punjab Vidhan Sabha Sectt: Notification No. AIO/PG(2)95/75, dated the 25th April, 1995 (Punjab Government Gazette, dated the 19th May, 1995)

⁵Inserted vide Pb. Vidhan Sabha Sectt. No. AIO/PG/1/2009/17, dt. 27.05.2009.

⁶These words were inserted by Punjab Vidhan Sabha Sectt: Notification No. AIO/PG(2)95/75, dated the 25th April, 1995 (Punjab Government Gazette, dated the 19th May, 1995).

⁷Inserted by Punjab Vidhan Sabha Sectt: Notification No. AIO/PG(2)95/75, dated the 25th April, 1995 (Punjab Government Gazette, dated the 19th May, 1995).

⁸Inserted vide Pb. Vidhan Sabha Sectt. No. AIO/PG/1/2009/17, dt. 27.05.2009.

⁹Inserted vide Pb. Vidhan Sabha Sectt. No. AIO/PG/1/2009/17, dt. 27.05.2009.

agency, he/ she should inform the Secretary, Punjab Vidhan Sabha and the President of the Press Gallery Committee within one month, failing which his/ her membership would be cancelled and would not be restored for two years.]

9. Secretary may also issue two passes to the Public Relations Directorate, during a Session.

10. Temporary Press Gallery Cards may be issued by the Secretary under orders of the Speaker on the recommendation in writing by any two members of the Press Gallery Committee for a period not exceeding one day to bona fide journalists who are on short visit to Chandigarh during the Session of the Vidhan Sabha.

[10-A. Temporary Press Gallery Cards may be issued by the Secretary under orders of the Speaker on a recommendation in writing by the President and the Secretary of the Press Gallery Committee on the request of the Editor/ Manager of the Newspaper/News Agency, for a period not exceeding the duration of a Session of the Vidhan Sabha, to Resident Journalists of Newspaper/News Agencies who do not fulfil the conditions prescribed in Rule 7(b) of the Rules.]

11. If more than one representative of a single Newspaper or News Agency desires to have Press Gallery Cards, application to that effect shall be made in writing to the Secretary, Vidhan Sabha.

12. All Press Gallery Cards shall be shown to the Watch and Ward Assistant at the gate of the Press Gallery when required to do so.

13. Representatives of the Newspapers and News Agencies are allowed to carry newspapers and books of reference into the Press Gallery, provided they do not take in bulky articles.

14. Representatives of Newspapers and News Agencies are not permitted to take notes from any other Gallery except the Press Gallery.

Making of sketches and taking of photographs are not permitted.

15. The Speaker may, in his discretion, cancel a Card for admission to the Press Gallery. Any misrepresentation of the Proceedings of Vidhan Sabha, advance publication of questions and answers, etc., and publication of any matter which is not intended for the public, may inter-alia be considered

¹Added-vide Gazette Notification No. PG-1-64-66/80, dated the 7th February, 1966 (Punjab Government Gazette, dated the 18th February, 1966)

sufficient ground for cancellation of a Card.

16. Representatives of the Newspapers and News Agencies shall not be permitted to take sticks, umbrellas, attache-cases and hand-bags with them into the Gallery.

17. The Speaker, whenever he thinks fit, may order the withdrawal of Representatives of the Newspapers or News Agencies from any part of the House.

18. When the order is given to clear the Galleries, the Watch and Ward Staff responsible will see that Representatives of the Newspapers and News Agencies immediately obey the orders. As soon as the Gallery is clear, the door will be locked by the Watch and Ward Officer.

19. In the event of any demonstration or disturbance on the part of any Press Representative in the Gallery, the Watch and Ward Assistant on duty will take the Name of the Press Representative thus misconducting himself, and if necessary, arrange for his or her removal from the Gallery. In either case the Speaker, through the Secretary, will at once be apprised of the action taken.

20. The Watch and Ward Officer shall remove, or cause to be removed, any Representative of the Newspaper or News Agency from any part of the House or of the Galleries appropriated to the members only, and also any Representative of the Newspaper or News Agency who, having been admitted into any other part of the House or of the Galleries, shall misconduct himself/herself or shall not withdraw when directed to do so.

21. No Representative of any Newspaper or News Agency shall be admitted to the Gallery when the House meets in secret Session.

22. No Representative of any Newspaper or News Agency, whose name is included in the list of those who are excluded from the precincts, will be admitted to the Gallery.

23. The Speaker may, in his discretion, at any time, suspend any of these Rules in the case of any particular meeting or meetings and substitute therefor any special rules which he may deem fit.

24. Admission Cards are not transferable and they shall, in no circumstances, be passed on to unauthorized persons. They are issued subject to the holder observing the conditions endorsed thereon.

25. The Press Gallery is meant only for the bona fide card holder both permanent and temporary.

26. Any matter not provided for in these Rules shall be regulated by the Speaker in his discretion.

127. The quorum to constitute a meeting of the Committee shall be, as near as may be, one fourth of the total number of members, the fraction, if any, being ignored.

¹Added-vide Gazette Notification No. PG-1-64-66/80, dated the 7th February, 1966 (Punjab Government Gazette, dated the 18th February, 1966)

CHAPER-X

26. ¹The Punjab State Legislature (Prevention of Disqualifications) Act, 1952 (Punjab Act No. 7 of 1952)

An Act to declare certain offices of profit not to disqualify their holders for being chosen as, or for being, members of the State Legislature.

Statement of Objects and Reasons.- "Article 191(1)(a) of the Constitution of India provides that a person shall be disqualified for being chosen as, and for being a Member of the House of Legislature of a State if he holds any office of profit under the Government of India or Government of any State specified in the First Schedule to the Constitution, otherwise than an office declared by the Legislature of the State by law not to disqualify its holder.

This Bill accordingly seeks to save from disqualification Members of the first Legislature of the State following the first general elections under the Constitution of India who held an office under the State Government which was not a whole-time office and to which no regular salary was attached. For the future, the Legislation will secure that the electorate will not be debarred from choosing as Members of the State Legislature, persons who, though they hold certain offices which might be called offices of profit under the State Government, are not whole time Government servants. It is also intended to save from disqualification persons who might be appointed to legislative offices such as Parliamentary Secretaries' etc," (vide Punjab Government Gazette Extraordinary, dated the 10th July, 1952, pages 548-49).

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Punjab State Legislature (Prevention of Disqualifications) Act, 1952.

(2) It shall be deemed to have come into force on the 26th day of January, 1950.

2. Prevention of disqualification for membership of the State Legislature.- A person shall not be disqualified for being chosen as, and for being, a Member of the Punjab State Legislature by reason only of the fact that he holds any of the following offices of profit under the Government of India or under the Government of the State of Punjab, namely, :-

(a) Lambardar ;

²[(b) Sub-Registrar, whether departmental or honorary, notary

¹Received the assent of the Governor of Punjab on the 7th August, 1952, and was first published in the Punjab Government Gazette Extraordinary, dated the 9th August, 1952.

²Inserted by Punjab Act 23 of 1954, Section 2.

public, oath commissioner, or official receiver who is not whole time salaried Government servant, or any person who holds any office of profit under an insurer, the management of whose controlled business has vested in the Central Government under the Life Insurance (Emergency Provisions) Act, 1956 [Central Act 9 of 1956];],

¹[(c) Officers, non-commissioned officers and persons enrolled under the Territorial Army Act, 1948, (Act VI of 1948), persons enrolled under the National Cadet Corps Act, 1948 (Act XXI of 1948); and persons of the Auxiliary Force Act or the Air and Defence Reserve under the Reserve and Auxiliary Air Force Act, 1952 (Act XII of 1952);]

²[(cc) the office of a Member of the Punjab Home Guards constituted under the Punjab Home Guards Act, 1947, or the office of a Member of the Civil Defence Service deemed to be constituted under Section 7 of the Defence of India Act, 1962;]

(d) Officer in the Army Reserve of Officers;

³[(e) Chairman, Vice-Chairman, President, Vice-President, Director or Member of any statutory or non-statutory body; or of any committee, whether he is or is not in receipt of any remuneration or compensatory allowance by virtue of holding such office;]

⁴[(f) A Chief Parliamentary Secretary or a Parliamentary Secretary or a Parliamentary Under Secretary;]

⁵[(ff) Political Secretary to the Chief Minister, Punjab;

(fff) Chairman of the State Level Committee for Fiscal Reforms and Economic Restructuring;]

⁶[(g) a Deputy Minister,]

⁷[(gg) Leader of the Opposition as defined in the Salary and Allowances of Leader of Opposition in the Legislative Assembly Act, 1978;]

⁸[(h) the office of the Advisor and Coordinator (Prohibition) set up temporarily for the period commencing on the 11th June, 1963, and ending on the 7th November, 1963, and the office of the Honorary Advisor to the State Government, Co-operation Department, or any other Department.]

⁹[2-A. Office of Chairman or Vice-Chairman of Regional

¹Subs. by Punjab Act 41 of 1956, Section 2.

²Added by Punjab Act 3 of 1963, Section 2.

³See Punjab Act 23 of 1981.

⁴Inserted vide Punjab Act 4 of 2005.

⁵Inserted vide Punjab Act 10 of 2002.

⁶Added vide Punjab Act 25 of 1956, Section 2.

⁷Inserted vide the Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978-Punjab Act 12 of 1978.

⁸Added by Punjab Act 8 of 1964, Section 2.

⁹Omitted by Punjab Adaptation of Laws (State and Concurrent Subject) Orders 1968.

Committees not to disqualify its holder. It is hereby further declared that the office of the Chairman or Vice-Chairman of a Regional Committee for the Punjabi Region or Hindi Region shall be deemed never to have disqualified and shall not disqualify the holder thereof for being chosen as, or for being a Member of the Punjab State Legislature.]

3. Repeal- The Punjab Legislative Assembly (Removal of Disqualifications) Act, 1937 and the Punjab Provisional Legislature (Prevention of Disqualifications) Act, 1950, are hereby repealed.

**27. CONSTITUTIONAL PROVISIONS REGARDING
DISQUALIFICATION ON GROUND OF DEFECTION**

¹[TENTH SCHEDULE]

[Articles 102(2) and 191(2)]

Provisions as to disqualification on ground of defection

1. Interpretation.-- In this Schedule, unless the context otherwise requires,-

(a) "House" means either House of Parliament or the Legislative Assembly or, as the case may be, either House of the Legislature of a State;

(b) "Legislature party", in relation to a Member of a House belonging to any political party in accordance with the provisions of paragraph 2 or ²[x x x] paragraph 4, means the group consisting of all the Members of that House for the time being belonging to that political party in accordance with the said provisions;

(c) "original political party", in relation to a Member of a House, means the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2;

(d) "paragraph" means a paragraph of this Schedule.

2. Disqualification on ground of defection.--(1) Subject to the provisions of ³[paragraphs 4 and 5], a Member of a House belonging to any political party shall be disqualified for being a Member of the House-

(a) If he has voluntarily given up his membership of such political party; or

(b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Explanation.- For the purposes of this sub-paragraph,-

¹Added by the Constitution (Fifty-second Amendment) Act, 1985, s.6 (w.e.f. 01.03.1985)

²Certain words omitted by the Constitution (Ninety-first-Amendment) Act, 2003, S.5

³Subs. by s.5 ibid, for "Paragraphs 3, 4 and 5".

(a) an elected Member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such Member;

(b) a nominated Member of a House shall,-

(i) where he is a Member of any political party on the date of his nomination as such Member, be deemed to belong to such political party;

(ii) in any other case, be deemed to belong to the political party of which he becomes, or, as the case may be, first becomes, a Member before the expiry of six months from the date on which he takes his seat after complying with the requirements of Article 99 or, as the case may be, Article 188.

(2) An elected Member of a House who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a Member of the House if he joins any political party after such election.

(3) A nominated Member of a House shall be disqualified for being a Member of the House if he joins any political party after the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, Article 188.

(4) Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who, on the commencement of the Constitution (Fifty-second Amendment) Act, 1985, is a Member of a House (whether elected or nominated as such) shall,-

(i) where he was a Member of a political party immediately before such commencement, be deemed, for the purposes of sub-paragraph (1) of this paragraph, to have been elected as a Member of such House as a candidate set up by such political party;

(ii) in any other case, be deemed to be an elected Member of the House who has been elected as such otherwise than as a candidate set up by any political party for the purposes of sub-paragraph (2) of this paragraph or, as the case may be, be deemed to be a nominated Member of the House for the purposes of sub-paragraph (3) of this paragraph.

¹[3. xx xx xx xx xx]

¹Paragraph 3 reg. Disqualification on ground of defection not to apply in case of a split, repealed by the Constitution (Ninety-first Amendment) Act, 2003, S.5

4. Disqualification on ground of defection not to apply in case of merger.-

(1) A Member of a House shall not be disqualified under sub-paragraph (1) of paragraph 2 where his original political party merges with another political party and he claims that he and any other members of his original political party,-

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group, and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this sub-paragraph.

(2) For the purposes of sub-paragraph (1) of this paragraph, the merger of the original political party of a Member of a House shall be deemed to have taken place if, and only if, not less than two-thirds of the Members of the Legislature party concerned have agreed to such merger.

5. Exemption.--Notwithstanding anything contained in this Schedule, a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative Assembly of a State, shall not be disqualified under this Schedule,-

(a) if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not, so long as he continues to hold such office thereafter, rejoin that political party or become a Member of another political party; or

(b) if he, having given up by reason of his election to such office his membership of the political party to which he belongs immediately before such election, rejoins such political party after he ceases to hold such office.

6. Decision on questions as to disqualification on ground of defection. -- (1) If any question arises as to whether a Member of a

House has become subject to disqualifications under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final:

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred for the decision of such Member of the House as the House may elect in this behalf and his decision shall be final.

(2) All proceedings under sub-paragraph (1) of this paragraph in relation to any question as to disqualification of a Member of a House under this Schedule shall be deemed to be proceedings in Parliament within the meaning of Article 122 or, as the case may be, proceedings in the Legislature of a State within the meaning of Article 212.

[7. Bar of jurisdiction of courts.--Notwithstanding anything in this Constitution, no court shall have any jurisdiction in respect of any matter connected with the disqualification of a Member of a House under this Schedule.]

8. Rules.--(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the Chairman or the Speaker of a House may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for-

- (a) the maintenance of the registers or other records as to the political parties, if any, to which different Members of the House belong;
- (b) the report which the leader of a Legislature party in relation to a Member of a House shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph (1) of paragraph 2 in respect of such Member, the time within which and the authority to whom such report shall be furnished;
- (c) the reports which a political party shall furnish with regard to admission to such political party of any Members of the House of the officer of the House to whom such reports shall be furnished; and

¹Paragraph 7 declared invalid for want of ratification in accordance with the proviso to clause (2) of Article 368 as per majority opinion in *Kihoto Hollohon Vs. Zachilhu and others* (1992) 1 S.C.C. 309.

(d) the procedure for deciding any question referred to in sub-paragraph (1) of paragraph 6 including the procedure for any inquiry which may be made for the purpose of deciding such question.

(2) The rules made by the Chairman or the Speaker of a House under sub-paragraph (1) of this paragraph shall be laid as soon as may be after they are made, before the House for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the House and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(3) The Chairman or the Speaker of a House may, without prejudice to the provisions of Article 105 or, as the case may be, Article 194, and to any other power which he may have under this Constitution direct that any wilful contravention by any person of the rules made under this paragraph may be dealt with in the same manner as a breach of privilege of the House.

**28. CONSTITUTIONAL PROVISION REGARDING
DISQUALIFICATION ON GROUND OF ABSENCE FROM
MEETING OF THE HOUSE.**

Article 190. Vacation of Seats.---(4) If for a period of sixty days, a Member of a House of the Legislature of a State is, without permission of the House, absent from all meetings thereof, the House may declare his seat vacant:

Provided that in computing the said period of sixty days, no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

**29. PROVISION REGARDING RESIGNATION OF SEATS IN
CASE OF ELECTION TO MORE SEATS THAN ONE IN A
HOUSE.**

The Conduct of Election Rules, 1961, Part-IX, Miscellaneous, provides as under.--

Rule 91. Resignation of seats in case of election to more seats than one in a House.

(1) The time within which a person may resign all but one of the seats in either House of Parliament or in the House or either House of the Legislature of a State, to which he has been elected, shall be-

- (a) fourteen days from the date of his election under Section 67A; or
- (b) where the dates of his election are different in respect of different seats, fourteen days from the last of those dates.

(2) Such resignation shall be addressed-

- (a) to the Speaker or the Chairman of the House concerned; or
- (b) where the office of the Speaker or Chairman is, for the time being, vacant or is, or is deemed to be, in abeyance, to the Deputy Speaker or the Deputy Chairman of the House concerned; or
- (c) where the post of the Deputy Speaker or Deputy Chairman is also for the time being vacant or is, deemed to be in abeyance, to the Election Commission.

(3) Where the resignation has been addressed to the Election Commission under sub-rule (2), the Election Commission shall, as soon as may be after the receipt of the resignation, send a copy thereof to the Secretary of the House concerned.

30. RULE REGARDING REMOVAL OF MEMBER FROM THE MEMBERSHIP OF THE COMMITTEE ON GROUND OF ABSENCE FROM MEETINGS OF THE COMMITTEE.

Rules of Procedure and Conduct of Business in the Punjab Legislative Assembly provides as under:-

Rule 183.- If a Member is absent from three or more consecutive meetings of the Committee without the permission of the Chairman, the Chairman may recommend the removal of such Member from the Committee, to the Speaker, who may, if he thinks fit, remove such Member.

Explanation. For the purpose of this rule, the meetings the Committee held on consecutive days shall be reckoned as one meeting.
