



The Punjab Legislative Assembly (Allowances of Members) Act, 1942

Act 4 of 1942

Keyword(s):

Assembly, Committee, Deputy Speaker, Meeting, Speaker

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**THE PUNJAB LEGISLATIVE ASSEMBLY
(ALLOWANCES OF MEMBERS)
ACT, 1942**

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THE PUNJAB LEGISLATIVE ASSEMBLY
(ALLOWANCES OF MEMBERS) ACT, 1942

PUNJAB ACT 4 OF 1942.

[Received the assent of His Excellency the Governor on the 10th March, 1942, and was first published in the Government Gazette (Extraordinary), Punjab of the 16th March, 1942]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1942	4	The Punjab Legislative Assembly (Allowances of Members) Act, 1942	Amended by Punjab Act, 8 of 1942 ^a Amended by Punjab Act, 9 of 1944 ^b Amended by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 Amended by the Adaptation of Laws Order, 1950 Amended by Punjab Act 22 of 1953 ^c Amended by Punjab Act 23 of 1956 ^d Amended by Punjab Act 43 of 1956 ^e Extended to Pepsu Territory by Punjab Act 33 of 1957 ^f Amended by Punjab Act 17 of 1964 ^g Amended by Punjab Act 5 of 1969 ^h Amended by Punjab Act 6 of 1970 ⁱ

^aFor Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1939, page 15; for Select Committee's Report see *Government Gazette, Punjab*, 1941, Part V, pages 47-54, and for the second report see *ibid.*, 1942, pages 3-7; and for proceedings in Assembly, see *Punjab Legislative Assembly Debates*, Volume XVIII, pages 32-34, 316-and 564. It came into force on 1st April, 1942, vide Punjab Government Notification No. 1249-PG-42/23334, dated 14th April, 1942.

^bFor Statement of Objects and Reasons, see *Punjab Government Gazette*, Part I, 1942, page 1161; for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, Volume XX, pages 82-88.

^cFor Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1944, page 175; and for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, Volume XXIII, pages 398-412.

^dFor Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary) of 4th December, 1952, page 1452; for proceedings in the Assembly and Council, see *Punjab Legislative Assembly and Punjab Legislative Council Debates*, of 1953. This Act shall be deemed to have come into force on the 20th October, 1952.

^eFor Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1956, pages 1094-95.

^fFor Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1956, page 1288.

^gFor Statement of Objects and Reasons, see *Punjab Government Gazette*, (Extraordinary), 1957, page 1638.

^hFor Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1964, page 450.

ⁱFor Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1969, page 450.

¹⁰For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1970, page 761.

An Act to provide for 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 (Allowances of Members) Act, 1942.

(2) It shall come into force on such date as the ¹[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 ²[Punjab] Legislative Assembly;

³[(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;]

⁴[(bb) ‘Deputy Speaker’ means the Deputy Speaker^r of the Assembly;]

(c) “member” means a member of the Assembly other than a Minister, or the Speaker ⁵[or the Deputy Speaker] ;

(d) “meeting” means a meeting of the Assembly or of a committee thereof ;

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

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

¹Substituted by Adaptation of Laws Order, 1950, for “Provincial”.

²Substituted for the words “East Punjab” by the Adaptation of Laws Order, 1950.

³Clause (b) substituted by Punjab Act 23 of 1956, section 2.

⁴Clause (bb) inserted by Punjab Act 17 of 1964, section 2

⁵Added by *ibid.*

¹3. (1) Subject to the conditions herein contained, there shall be paid to each member a compensatory allowance at the rate of two hundred rupees per mensem with effect from the commencement of this Act or from the date on which he takes his oath whichever is later ²[upto the 31st March, 1944, ³and thereafter at the rate of-

Compensatory Allowance.

(i) three hundred rupees per mensem with effect from the 1st April, 1944, or the date on which he takes his oath, whichever is later, upto the 12th March, 1969 ;

(ii) four hundred rupees per mensem with effect from the 13th March, 1969, or the date on which he takes his oath, whichever is later].

⁴[(iii) five hundred rupees per mensem with effect from the first day of April, 1970 :

Provided that a Member who does not wish to draw the compensatory allowance at the rate of five hundred rupees per mensem may draw it at the rate admissible immediately before the first day of April, 1970] .

(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

¹Substituted for the old section by Punjab Act 8 of 1942, section 2.

²Added by Punjab Act 9 of 1944, section 2.

³Substituted for the words "and thereafter.....per mensem" by Punjab Act 5 of 1969, section 2.

⁴Added by Punjab Act 6 of 1970, section 2.

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.

(4) Notwithstanding anything hereinbefore contained no compensatory allowance shall be paid to any member in respect of any period during which he was under legal detention under any law for the time being in force.]

Other allowances.

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

(a) to the ¹[Speaker and the Deputy Speaker] such travelling and halting allowances as may be prescribed; and

²[(b) to each member—

(i) such travelling allowance as may be prescribed;

³[(ii) a halting allowance at the rate of thirty-five rupees per day for each day of attendance at a meeting of the Assembly or Committee or in respect of journeys undertaken under the orders of the Speaker for any other business anywhere connected with his duties as a member:

¹Substituted for the word "Speaker" by Punjab Act 17 of 1964 section 3(1).

²Substituted for clause (b) by Punjab Act 22 of 1953 section 2(1).

³Sub-clause (ii) Firstly amended by Punjab Act 23 of 1956, then substituted by Punjab Act 17 of 1964 and by Punjab Act 6 of 1970 section 3 with effect from 1st April, 1970.

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]].

Explanation.—A break of not more than two days between two successive meetings shall be deemed to be a day or days of attendance for a member who does not leave the place of the meeting during such break.

Provided that nothing in this section shall entitle the ¹[Speaker or Deputy Speaker] to any travelling or halting allowance or any member to travelling ²[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 ¹[Speaker or Deputy Speaker] or as member, as the case may be.

³[4-A. ⁴[(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.]

Amenities.

⁴[(2) Every member shall be entitled to have a telephone installed at any place within his constituency or at his permanent place of residence, if such facility is available at such place at normal rates and without incurring any additional cost, or at Chandigarh as may be specified

¹Substituted for the word "Speaker" by Punjab Act 17 of 1964, section 3(3).

²Inserted by Punjab Act 22 of 1953, section 2(II).

³Added by Punjab Act 43 of 1956, section 2.

⁴Section 4-A renumbered as sub-section (1) thereof and Sub-section (2) added thereafter by Punjab Act 6 of 1970, section 4.

by him, and after the place of installation is so specified, the charges for first installation of, and security deposit and annual rent for, such telephone shall be borne by the State Government and all other expenses, such as those relating to local and outside calls shall be paid by the member :

Provided that the expenditure on local and outside calls incurred by a member in any month shall be reimbursed by the Government subject to a maximum of fifty rupees.]

¹4-B. (1) Every member shall be provided with—

(a) two free non-transferable first class passes, one for himself and the other for his spouse, if any, which shall entitle him as well as his spouse, if any, to travel at any time by any railway in India, provided the aggregate distance so travelled on each pass in any financial year does not exceed eight thousand kilometers ; and

Free transit by
Railway or State
Transport Under-
takings.

(b) one free non-transferable pass, which shall entitle him to travel without payment of fare and passenger tax thereon by any public service vehicle of the Punjab Roadways or of the Pepsu Road Transport Corporation.

(2) The free passes issued to a member under subsection (1) shall be valid for the term of his office and on the expiration of such term, these shall be surrendered by him to the Secretary of the Punjab Legislative Assembly.

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

5. (1) The ¹[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 ¹[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 distances 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 ; ²[* * *]
- ²[(ee) provision for residential accommodation of members mentioned in section 4-A; and]
- (f) any other matter connected with or incidental to matters aforesaid.

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

6. If any question arises as to the interpretation of this Act or of the rules made thereunder, the matter shall be referred to the ¹[Speaker] whose decision shall be final.

Interpretation.

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

Repeal of Act IV of 1937.

¹Substituted for the words "State Government" by Punjab Act 23 of 1956, section

4.

²The word "and" omitted and clause (ee) inserted by Punjab Act 43 of 1956, section 3.