

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
(¹[ALLOWANCES AND PENSION] OF MEMBERS) ACT, 1971

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¹. Substituted for the word "ALLOWANCES" vide H.P. Act No. 43 of 1976.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
(¹[ALLOWANCES AND PENSION] OF MEMBERS) ACT, 1971
(ACT NO. 8 OF 1971)²**

(Received the assent of the Governor on the 23rd April, 1971 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 18th May, 1971, pp. 341-345).

An Act to provide for ³[allowances and pension] of the Members of the Legislative Assembly of Himachal Pradesh.

Amended, repealed or otherwise affected by,-

- (i) H.P. Act No. 16 of 1971⁴, assented to by the Governor on 20th October, 1971, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 5th November, 1971, pp. 1344-1345.
- (ii) H.P. Act No. 12 of 1972⁵, assented to by the Governor on 2nd May, 1972, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 10th May, 1972, p. 448.
- (iii) H.P. Act No. 3 of 1975⁶, assented to by the Governor on 12th March, 1975, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 19th March, 1975, pp. 318-319.
- (iv) H.P. Act No. 8 of 1976⁷, assented to by the Governor on 31st March, 1976, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 2nd April, 1976, pp. 1040-1041.
- (v) H.P. Act No. 9 of 1976, assented to by the Governor on 13th April, 1976, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 17th April, 1976, pp. 1110-1111.
- (vi) H.P. Act No. 43 of 1976, assented to by the Governor on the 30th December, 1976 and published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 31st December, 1976, pp. 2025-2028.

¹. Substituted for the word "ALLOWANCES" vide H.P. Act No. 43 of 1976.

². For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 19th April, 1971, p. 244.

³. Substituted for the word "Allowances" vide H.P. Act No. 43 of 1976.

⁴. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 14th September, 1971, p. 1208.

⁵. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 25th April, 1972, p. 438.

⁶. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 19th February, 1975, p. 170.

⁷. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 6th March, 1976, p. 796.

- (vii) H.P. Act No. 8 of 1977¹, assented to by the Governor on the 29th April, 1977, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 2nd May, 1977, pp. 412-413, effective from 25th June, 1975.
- (viii) H.P. Act No. 11 of 1977², assented to by the Governor on the 30th June, 1977, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 1st July, 1977, pp. 744-746.
- (ix) H.P. Act No. 31 of 1978³, assented to by the Governor on the 5th October, 1978, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 13th October, 1978, pp. 1356-1358.
- (x) H.P. Act No. 9 of 1979⁴, assented to by the Governor on the 9th May, 1979, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 16th May, 1979, pp. 1748-1751.
- (xi) H.P. Act No. 8 of 1981⁵, assented to by the Governor on the 2nd May, 1981, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 6th May, 1981, pp. 340-341.
- (xii) H.P. Act No. 4 of 1982⁶, assented to by the Governor on the 30th April, 1982, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 30th April, 1982, pp. 341-342, effective from 31st December, 1976.
- (xiii) H.P. Act No. 7 of 1982⁷, assented to by the Governor on the 22nd July, 1982, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 24th July, 1982, pp. 713- 714, effective from 19th May, 1982.
- (xiv) H.P. Act No. 16 of 1983⁸, assented to by the Governor on the 19th September, 1983, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 22nd September, 1983, pp. 1044-1059, effective from 1st September, 1983.

¹. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 8th April, 1977, p 304.

². For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 8th April, 1977, p. 302.

³. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 16th September, 1978, p. 1183.

⁴. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 21st April, 1979, p. 1546.

⁵. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 26th March, 1981, p. 156.

⁶. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 1st April, 1982, p. 221.

⁷. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 30th June, 1982, p. 600.

⁸. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 24th August, 1983, p. 830.

- (xv) H.P. Act No. 23 of 1984¹, assented to by the Governor on the 19th October, 1984, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 22nd October, 1984, pp. 1802-1804.
- (xvi) H.P. Act No. 10 of 1985², assented to by the Governor on the 11th September, 1985, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 28th September, 1985, pp. 1569-1571, effective from 1st October, 1984.
- (xvii) H.P. Act No. 3 of 1986³, assented to by the Governor on the 16th January, 1986, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 24th January, 1986, pp. 72-74.
- (xviii) H.P. Act No. 18 of 1986⁴, assented to by the Governor on the 30th August, 1986, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 1st September, 1986, pp. 1431-1435.
- (xix) H.P. Act No. 3 of 1987⁵, assented to by the Governor on the 2nd January, 1987, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 8th January, 1987, pp. 111-112.
- (xx) H.P. Act No. 12 of 1987⁶, assented to by the Governor on the 8th May, 1987, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 8th May, 1987, pp. 772-773.
- (xxi) H.P. Act No. 8 of 1988⁷, assented to by the Governor on the 20th May, 1988, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 21st May, 1988, pp. 860-862.
- (xxii) H.P. Act No. 12 of 1988⁸, assented to by the Governor on the 24th October, 1988, published both in Hindi and English in

¹. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 12th September, 1984, p. 1593.

². For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 6th July, 1985, p. 1014.

³. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 20th December, 1985, p. 3043.

⁴. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 21st August, 1986, p. 1400.

⁵. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 3rd December, 1986, p. 2188.

⁶. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 16th May, 1987, p. 818.

⁷. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 7th April, 1988, p. 493.

⁸. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 1st September, 1988, p. 2112.

the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 29th October, 1988, pp. 2537-2540.

- (xxiii) H.P. Act No. 13 of 1988¹, assented to by the Governor on the 26th October, 1988, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 29th October, 1988, pp. 2533-2536, effective from 24th January, 1986.
- (xxiv) H.P. Act No. 3 of 1989², assented to by the Governor on the 4th February, 1989, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 7th February, 1989, pp. 237-243.
- (xxv) H.P. Act No. 11 of 1989³, assented to by the Governor on the 7th June, 1989, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 9th June, 1989, pp. 1361-1364.
- (xxvi) H.P. Act No. 2 of 1990⁴, assented to by the Governor on the 5th February, 1990, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 6th February, 1990, pp. 173-176, effective from 7th February, 1989.
- (xxvii) H.P. Act No. 13 of 1991⁵, assented to by the Governor on the 8th May, 1991, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 9th May, 1991, pp. 1069-1072, effective from 1st May, 1985.
- (xxviii) H.P. Act No. 19 of 1991⁶, assented to by the Governor on the 2nd November, 1991, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 4th November, 1991, pp. 2513-2516.

¹. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 31st August, 1988, p. 2100.

². Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 10th January, 1989, pp. 70 and 73.

³. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 29th April, 1989, pp. 1068 and 1070.

⁴. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 14th December, 1989, pp. 2926 and 2928.

⁵. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 12th March, 1991, pp. 284 and 286.

⁶. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 12th September, 1991, pp. 1956 and 1958.

- (xxix) H.P. Act No. 5 of 1994¹, assented to by the Governor on the 12th May, 1994, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 16th May, 1994, pp. 1087-1092.
- (xxx) H.P. Act No. 14 of 1995², assented to by the Governor on the 28th November, 1995, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 28th November, 1995, pp. 4763-4766.
- (xxxii) H.P. Act No. 10 of 1996³, assented to by the Governor on the 18th April, 1996, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 20th April, 1996, pp. 1927-1930.
- (xxxiii) H.P. Act No. 4 of 1997⁴, assented to by the Governor on the 2nd February, 1997, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 5th February, 1997, pp. 381-384.
- (xxxiiii) H.P. Act No. 16 of 1997⁵, assented to by the Governor on the 7th May, 1997, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 9th May, 1997, pp. 1709-1712.
- (xxxv) H.P. Act No. 17 of 1998⁶, assented to by the Governor on the 21st August, 1998, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 24th August, 1998, pp. 3209-3214.

¹. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 5th April, 1994, pp. 577 and 581.

². Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 28th September, 1995, pp. 3928 and 3931.

³. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), 11th March, 1996, pp. 996 and 998.

⁴. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 5th December, 1996, pp. 5476 and 5478.

⁵. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 10th April, 1997, pp. 1260 and 1262.

⁶. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 30th July, 1998, pp. 2839 and 2843.

- (xxxv) H.P. Act No. 11 of 1999¹, assented to by the Governor on the 10th May, 1999, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 11th May, 1999, pp. 1623-1628. Second proviso to clauses (a) and (b) of section 4 and section 5 shall be deemed to have come into force from 24th August, 1998 and the remaining provisions shall come into force at once.
- (xxxvi) H.P. Act No. 9 of 2001², assented to by the Governor on the 14th May, 2001, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 16th May, 2001, pp. 433-438.
- (xxxvii) H.P. Act No. 13 of 2002³, assented to by the Governor on the 7th May, 2002, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 9th May, 2002, pp. 325-328, effective from 1st April, 2002.
- (xxxviii) H.P. Act No. 19 of 2003⁴, assented to by the Governor on the 20th September, 2003, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 22nd September, 2003, pp. 1811-1818.
- (xxxix) H.P. Act No. 18 of 2005⁵, assented to by the Governor on the 13th May, 2005, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 17th May, 2005, pp. 757-762.
- (xl) H.P. Act No. 11 of 2006⁶, assented to by the Governor on the 9th May, 2006, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 11th May, 2006, pp. 955-958.

¹. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 12th April, 1999, pp. 1297 and 1300.

². Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 12th April, 2001, pp. 73 and 77.

³. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 28th March, 2002, pp. 4674 and 4676.

⁴. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 21st July, 2003, pp. 975 and 981.

⁵. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 19th April, 2005, pp. 409 and 414.

⁶. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 5th April, 2006, pp. 80 and 84.

- (xli) H.P. Act No. 11 of 2007¹, assented to by the Governor on 8th May, 2007, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 10th May, 2007, pp. 1239-1244.
- (xlii) H.P Act No. 19 of 2009² assented to by the Governor on the 17th September, 2009, published both in Hindi and English in the Rajpatra, Himachal Pradesh dated 23rd September, 2009, pp. 4096-4098.
- (xliii) H.P Act No. 19 of 2010³ assented to by the Governor on 14th September, 2010, published both in Hindi and English in the Rajpatra, Himachal Pradesh dated 17th September, 2010, pp. 4873-4877.
- (xliv) H.P Act No. 31 of 2012⁴ assented to by the Governor on 4th May, 2012, published both in Hindi and English in the Rajpatra, Himachal Pradesh dated 9th May, 2012, pp. 1025-1026.
- (xlv) H.P Act No. 45 of 2013⁵ assented to by the Governor on 19th September, 2013, published both in Hindi and English in the Rajpatra, Himachal Pradesh dated 21st September, 2013, pp. 3773-3775.
- (xlvi) H.P. Act No. 16 of 2015⁶ assented to by the Governor on 24th May, 2015, published both in Hindi and English in the Rajpatra, Himachal Pradesh dated 30th May, 2015, pp. 1073-1075.

¹ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 2nd April, 2007, pp. 193 and 197.

² Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh dated 15th September, 2009, pp. 3747-3748 and 3752.

³ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh dated 24th August, 2010, pp. 4001 and 4005.

⁴ Passed in Hindi by the Himachal Pradesh Vidhan Sabha . For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh dated 7th April, 2012, pp. 286 and 287.

⁵ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh dated 30th August, 2013, pp. 3095 and 3097.

⁶ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh dated 21st April, 2015, pp. 414 and 416.

- (xlvi) H.P. Act No. 8 of 2016¹ assented to by the Governor on the 7th May, 2016, published both in Hindi and English in the Rajpatra, Himachal Pradesh dated the 16th May, 2016, pp. 851-854.
- (xlviii) H.P. Act No. 16 of 2019² assented to by the Governor on the 29th October, 2019, published both in Hindi and English in the Rajpatra, Himachal Pradesh on 5th November, 2019, pp. 7620-7624.
- (xlix) H.P. Act No. 11 of 2020³, assented to by the Governor on the 26th October, 2020, published in the Rajpatra (e-Gazette), Himachal Pradesh, dated 9th November, 2020, pp. 5080-5087, effective from 11th April, 2020. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

BE it enacted by the Legislative Assembly of the Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Himachal Pradesh Legislative Assembly ⁴[(Allowances and Pension] of Members) Act, 1971.

⁵[(2) It shall be deemed to have come into force with effect from the 25th January, 1971 but section 4-A shall be deemed to have come in to force on the 1st July, 1963].

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

- (a) “Assembly” means the Legislative Assembly of Himachal Pradesh;
- (b) “Committee” means a Select Committee or Committee of the Assembly and includes any Committee appointed by the State Government for a purpose connected with the business of the Government;

¹. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh dated 12th April, 2016, pp. 213-214 and 216.

². Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 2nd September, 2019, pp. 5445 and 5447.

³. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra (e-Gazette), Himachal Pradesh dated 15th September, 2020, pp. 3537-3538 and 3542.

⁴. Substituted for the words “Allowances” vide H.P. Act No. 43 of 1976.

⁵. Sub-section (2) substituted vide H.P. Act No. 16 of 1971.

- (c) “Member” means a member of the Assembly, other than a Minister, Deputy Minister, Speaker or 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;
¹[xxx]
- (f) “Speaker” means the Speaker of the Assembly ²[; XXXX]
- ³[(g) “territorial council” means the council that existed in Himachal Pradesh during the absence of the Assembly from 1957 to 1963] ⁴[; and]
- ⁵[(h) “Governor” means the Governor of Himachal Pradesh.]
Pradesh.]

3. ⁶[Salary and compensatory allowance].- (1) Subject to the conditions herein contained, there shall be paid to each member a ⁷{salary at the rate of ⁸[fifty five thousand] rupees and} compensatory allowance at the rate of ⁹[five thousand] rupees per mensem with effect from the commencement of this Act or ¹⁰[from the date on which he is declared duly elected under the Representation of the People Act, 1951 (Act No. 43 of 1951), or if such declaration is made before the vacancy occurs, from the date

¹. The word “and” omitted vide H.P. Act No. 43 of 1976.

². The sign “.” substituted by the sign and words “; and” vide H.P. Act No. 43 of 1976 and again the word “an” omitted vide H.P. Act No. 10 of 1985.

³. Inserted vide H.P. Act No. 43 of 1976.

⁴. Substituted for the sign “.” vide H.P. Act No. 10 of 1985.

⁵. Inserted vide H.P. Act No. 10 of 1985.

⁶. Section 3 amended vide H.P. Act No. 3 of 1986, substituted for the words “Compensatory allowance.” vide H.P. Act No. 5 of 1994.

⁷. The words “salary at the rate of ^{one} thousand and five hundred rupees and” inserted vide H.P. Act No. 5 of 1994.

⁸. The words “two thousand and five hundred” substituted for words “one thousand and five hundred” vide H.P. Act No. 17 of 1998, the words “four thousand” substituted for the words “two thousand and five hundred” vide H.P. Act No. 19 of 2003, the words “eight thousand” substituted for the words “four thousand” vide H.P. Act No. 11 of 2006, the words “fifteen thousand rupees” substituted for the words “eight thousand rupees” vide H.P. Act No. 19 of 2009, the words “twenty thousand” substituted for the words “fifteen thousand” vide H.P. Act No. 31 of 2012, the words “thirty” substituted for the words “twenty” vide H.P. Act No. 45 of 2013, again the words “fifty five thousand” substituted for the words “thirty thousand” vide H.P. Act No. 8 of 2016.

⁹. Substituted for the words “five hundred” vide H.P. Act No. 3 of 1986, , the words “one thousand two hundred and fifty” substituted for the words “substituted for the words “Seven hundred and fifty” vide H.P. Act No. 13 of 2002, effective from. 1st April, 2002, the words “five thousand” substituted for the words “one thousand two hundred and fifty” vide H.P. Act No. 19 of 2003.

¹⁰. Substituted for the words “from the date on which he takes his oath” vide H.P. Act No. 7 of 1982, effective from. 19th May, 1982.

of occurrence of vacancy], whichever is later.

¹[(1-A) Notwithstanding anything contained in sub-section (1), the salary payable to a member under sub-section (1), shall be reduced by thirty percent. for a period of one year commencing from the 1st April, 2020, to meet the exigencies arising out of Corona Virus (COVID-19) pandemic.]

²[(2) XX].

³[(3) XX].

(4) Notwithstanding anything hereinbefore contained no ⁴[salary and] 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.

⁵[*Explanation.-* The legal detention for this purpose does not include detention under any law relating to preventive detention.]

⁶[(5) XX]

4. ⁷[Travelling allowance].- (1) Subject to such conditions and limitations as may be imposed by rules made under this Act, there shall be paid to each member:-

- (i) such travelling allowance as may be prescribed;
- (ii) a halting allowance at the rate of ⁸[one thousand eight

1. Sub-section (1-A) inserted vide H.P. Act No. 11 of 2020, effective from 11th April, 2020.

2. Sub-section (2) amended vide H.P. Act No. 12 of 1972 and omitted vide H.P. Act No. 43 of 1976.

3. Omitted vide H.P. Act No. 43 of 1976.

4. Inserted vide H.P. Act No. 5 of 1994.

5. Inserted vide H.P. Act No. 8 of 1977, effective from 25th June, 1975.

6. Omitted vide H.P. Act No. 43 of 1976.

7. Substituted for the words "Other allowances" vide H.P. Act No. 5 of 1994.

8. The word "forty five" substituted for the "thirty five" vide H.P. Act No. 3 of 1975, the words "fifty one" substituted for "forty five" vide H.P. Act No. 16 of 1983, the word "seventy five" substituted for the word "fifty one" vide H.P. Act No. 3 of 1986, "one hundred" substituted for "seventy five" vide H.P. Act No. 12 of 1988, "one hundred fifty" the words "one hundred and fifty" substituted for "one hundred" vide H.P. Act No. 5 of 1994, the words "two hundred" substituted for the words "one hundred and fifty" vide H.P. Act No. 14 of 1995, the words "two hundred and fifty" substituted for the words "two hundred" vide H.P. Act No. 17 of 1998, the words "three hundred" substituted for the words "two hundred and fifty" vide H.P. Act No. 11 of 1999, the words "four hundred" substituted for the words " three hundred" vide H.P. Act No. 13 of 2002, effective from 1st April, 2002, the words "five hundred" substituted for the words "four hundred" vide H.P. Act No. 19 of 2003, the words "one thousand" substituted for the words "five hundred" vide H.P. Act No. 31 of 2012, the words "one thousand five hundred", the words "one thousand five hundred" substituted for the words "one thousand" vide H.P. Act No. 16 of 2015, further the words "one thousand eight hundred" substituted for the words "one thousand five hundred" vide H.P.

hundred] 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:

Provided 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 Himachal Pradesh Legislative Assembly for the time being in force, he shall not be entitled to get allowance for such period of absence:

Provided further that a member shall also be entitled to halting allowance,-

- (a) where he arrives for attending a meeting of the Assembly one or two days earlier to the date of such meeting, or departs from the place of such meeting one or two days immediately after the date on which the Assembly is adjourning sine die, for such one or two days, as the case may be, of arrival and departure; and
- (b) where he arrives for attending a meeting of a Committee one day earlier to the date of such meeting, or departs from the place of such meeting one day immediately after the conclusion of the business of the Committee, for such one day of arrival and departure;
- (iii) an incidental allowance at the rate of five rupees for the day of departure from and an incidental allowance at the rate of five rupees for the day of arrival at the usual place of residence of the member when he leaves his usual place of residence to attend a meeting and returns thereto after the meeting.

¹[*Explanation-I*.- Halting allowance shall be admissible to a member for each day of such arrival and such departure irrespective of the time of arrival and departure.]

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

Provided that nothing in this section shall entitle any member to travelling ²[XXXXXXXXXX] allowance if such person ordinarily resides or

Act No. 8 of 2016.

¹. The existing Explanation renumbered as Explanation-II and new Explanation-I inserted vide H.P. Act No. 3 of 1975.

². The words "or halting" omitted vide H.P. Act No. 18 of 1986.

carries on business at any place within ¹[eight kilometres] of the place at which his attendance is required in connection with his duties as member.]

(2) A member who does not wish to draw the halting allowance at the rate of ²[four hundred] rupees per day as provided in sub-section (1), shall be entitled to an allowance at the rate of twenty-five rupees for each day during any period of residence on duty from the 25th day of January, 1971, till the dissolution of the existing Assembly and in such a case the provisions of clauses (ii) and (iii) of sub-section (1) shall not apply.

Explanation-I.- For the purpose of this sub-section “period of residence on duty” means the period during which a member resides at a place where a session of the Assembly or a sitting of a Committee is held or where any other business connected with his duties as such member is transacted, for the purpose of attending such session or sitting or for the purpose of attending to such other business, and includes, except in the case of a member who ordinarily resides at a place where a session of the Assembly or a sitting of the Committee is held or where any other business connected with his duties as such is transacted,

- (i) in the case of a session of the Assembly, a period of such residence, not exceeding three days, immediately preceding the commencement of the session and a period of such residence, not exceeding three days, immediately succeeding the date on which the Assembly is adjourned *sine die* or for a period exceeding seven days; and
- (ii) in the case of a sitting of a Committee or any other business, a period of such residence, not exceeding two days immediately preceding the commencement of the business of the Committee or other business and a period of such residence, not exceeding two days, immediately succeeding the conclusion of the business of the Committee or other business.

Explanation-II.- Daily allowance shall be admissible to a member for each day of residence on duty irrespective of the time of arrived or departure.

³**[4-A. Regularisation of travelling allowance with effect from 1st July, 1963 to 24th January, 1971.-** (1) There shall be paid travelling allowance to each member in respect of every journey performed by road for the purpose of attending session of the Assembly or a meeting of a Committee or for the purpose of attending to any other business connected with his duties as a member, from his usual place of residence to the place where the session

¹. Substituted for the words “five miles” vide H.P. Act No. 18 of 1986.

². The words "one hundred and fifty" substituted for the words “one hundred” vide H.P. Act No. 5 of 1994, the words "two hundred" substituted for the words "one hundred and fifty" vide H.P. Act No. 14 of 1995, the words "three hundred" substituted for the words “two hundred” vide H.P. Act No. 11 of 1999, again the words "four hundred" substituted for the words “three hundred” vide H.P. Act No. 13 of 2002.

³. Section 4-A inserted vide H.P. Act No. 16 of 1971.

or the meeting is to be held or the other business is to be transacted and for the return journey from such place to his usual place of residence at the rate of fifty-five paise per kilometre from the 1st day of July, 1963 to 24th day of January, 1971.

(2) No member shall be entitled to claim any arrears with respect to the period mentioned in sub-section (1).]

¹[**4-B. Constituency, Office and Computer/Data Entry Operator allowance.**- (1) There shall be paid to each member a constituency allowance at the rate of ²[ninety thousand] rupees per mensem.

³[(1-A) Notwithstanding anything contained in sub-section (1), the salary payable to a member under sub-section (1), shall be reduced by thirty percent. for a period of one year commencing from the 1st April, 2020, to meet the exigencies arising out of Corona Virus (COVID-19) pandemic.]

(2) There shall be paid to each member an Office allowance at the rate of ⁴[thirty thousand] rupees per mensem.

(3) There shall be paid to each member an allowance at the rate of ⁵[fifteen thousand] rupees per mensem to engage Computer/Data Entry Operator on co-terminus basis.]

⁶[4-BB. XXXXXXXXXXXXXXXXXXXXX]

⁷[**4-C. Advance of loan to members for purchase of motor car.**- There may be paid to each member by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for he purchase of motor-car, so that he may be able to discharge conveniently and efficiently the duties of his office as member.

4-D. House building advance.- ⁸[(1) ⁹[There may be paid to a

¹. The section 4-B inserted vide H.P. Act No. 8 of 1976, substituted vide H.P. Act No. 9 of 1979, amended vide H.P. Act No. 16 of 1983, 3 of 1986, H.P. Act No. 12 of 1987, H.P. Act No. 8 of 1988, H.P. Act No. 5 of 1994, 10 of 1996, H.P. Act No. 17 of 1998, 11 of 1999, H.P. Act No. 19 of 2003, H.P. Act No. 11 of 2007, substituted vide H.P. Act No. 19 of 2009, amended vide H.P. Act No. 31 of 2012, H.P. Act No. 45 of 2013, again section 4-B substituted for existing sections 4-B and 4BB vide H.P. Act No. 16 of 2015.

². Substituted for the words "sixty thousand" vide H.P. Act No. 8 of 2016.

³. Sub-section (1-A) inserted vide H.P. Act No. 11 of 2020, effective from 11th April, 2020.

⁴. Substituted for the words "ten thousand" vide H.P. Act No. 8 of 2016.

⁵. Substituted for the words "twelve thousand" vide H.P. Act No. 8 of 2016.

⁶. The Section 4-BB added vide H.P. Act No. 19 of 2003, substituted vide H.P. Act No. 11 of 2007, H.P. No. 19 of 2009, H.P. Act No. 45 of 2013, and merged in section 4-B vide H.P. Act No. 16 of 2015.

⁷. Sections 4-C and 4-D inserted vide H.P. Act No. 9 of 1979.

⁸. Existing section 4-D renumbered as sub-section (1) vide H.P. Act No. 10 of 1985.

⁹. Substituted for the words, letter, figure and signs "In case a member does not avail himself of the facility of motor car advance as provided in section 4-C, he may be paid" vide H.P. Act No. 16 of 1983.

member] by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for the construction of a house or for the purchase of a built-up house.]

¹[Provided that if a member, including a Minister, Deputy Minister, Speaker and Deputy Speaker has received half of the amount of advance and ceases to be the Member of the State Legislative Assembly, he shall be entitled to receive the balance amount of advance admissible to him, irrespective of the fact that he has ceased to be the Member of the Legislative Assembly.]

²(2) Where a member having obtained house building advance for the construction of a house or for the purchase of a built-up house under sub-section (1) dies ³[XXXXXXXXXX] and the Governor is satisfied that the pecuniary condition of the family of the deceased is such that the amount advanced cannot be repaid by the family of the deceased, 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 may be written off with the sanction of the Governor.]

⁴[*Explanation-I.*- The expression “construction of a house” for the purposes of this section, shall include addition to, alteration in, renovation of or repairs of a house:]

⁵[*Explanation-II.*- For the purpose of this sub-section, the expression “member” shall also mean and include the ex-members of the Assembly.]

⁶**[4-E. House building advance to ex-members.-** ⁷[(1) There may be paid to such ex-members, who have not availed the facility of house building advance as a member, by way of repayable advance, such sum of money, subject to such conditions, as may be determined by rules made in this behalf, for the construction of a house or for the purchase of a built up house.

⁸(2) Each ex-member who has availed the facility of house building advance and has repaid whole amount of such advance with interest thereon, shall be entitled to avail facility of second house building advance by way of

¹. Proviso added vide H.P. Act No. 5 of 1994.

². Sub-section (2) inserted vide H.P. Act No. 10 of 1985.

³. The words “during his term as such member” deleted vide H.P. Act No. 13 of 1991.

⁴. The Explanation inserted vide H.P. Act No. 23 of 1984 and renumbered as Explanation-I vide H.P. Act No. 13 of 1991.

⁵. The Explanation-II added vide H.P. Act No. 13 of 1991.

⁶. Section 4-E. added vide H.P. Act No. 19 of 2003, amended vide H.P. Act No. 11 of 2007, section 4-E and 4-F substituted for the existing section 4-E vide H.P. Act No. 18 of 2005.

⁷. The existing section 4-E renumbered as sub-section (1) vide H.P. Act No. 11 of 2007.

⁸. Sub-section 4-E (2) inserted vide H.P. Act No. 11 of 2007 and substituted vide H.P. Act No. 8 of 2016.

repayable advance, such sum of money, subject to such conditions, as may be determined by rules made in this behalf, for construction of house or for the purchase of built-up house or for renovation of old house.]

4-F. Advance of loan for purchase of motor car.- ¹[(1)] There may be paid to such ex-members, who have not availed the facility of motor car advance as a member, by way of repayable advance, such sum of money, subject to such conditions, as may be determined by rules made in this behalf, for the purchase of motor car.]

²[(2) Each ex-member, who has availed the facility of motor car advance under sub-section (1) and has repaid whole amount of such advance with interest thereon, shall be entitled to avail facility of second motor car advance, by way of repayable advance, such sum of money, subject to such conditions, as may be determined by rules made in this behalf, for the purchase of motor car.]

5. Amenities.- (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 7.

(2) Every member shall be entitled to have a telephone installed at any place with 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 Shimla as may be specified 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 ³[:]

⁴[Provided that a member who installs a telephone under this sub-section, shall also be paid telephone allowance at the rate of ⁵[fifteen

¹. Existing provisions of section 4-E renumbered as sub-section (1) vide H.P. Act No. 11 of 2007.

². Sub-section (2) inserted vide H.P. Act No. 11 of 2007.

³. Substituted for the sign “.” vide H.P. Act No. 9 of 1979

⁴. Proviso amended vide H.P. Act No. 3 of 1975, omitted by H.P Act No. 8 of 1976 and again first and second provisos added by 9 of 1979.

⁵. The word “four” substituted for the word “three” vide H.P. Act No. 16 of 1983, the word “five” substituted for the word “four” vide H.P. Act No. 3 of 1986, the words “eight” substituted for the word “five” vide H.P. Act No. 8 of 1988, the words “one thousand and five hundred” substituted for the words “eight hundred” vide H.P. Act No. 5 of 1994, the words “three thousand” substituted for the words “one thousand and five hundred” vide H.P. Act No. 10 of 1996, the words “four thousand” substituted for the words “three thousand ” vide H.P. Act No. 17 of 1998, the words “ five thousand” substituted for the words “four thousand ” vide H.P. Act No. 13 of 2002 , effective from 1st April, 2002, the words “seven thousand” substituted for the words “five thousand” H.P. Act No. 19 of 2003, the words “ten thousand rupees” substituted for the words “seven thousand rupees” vide H.P. Act No. 19 of 2009 again the words “fifteen” substituted for words “ten” vide H.P. Act No. 45 of 2013.

thousand] rupees per mensem;

Provided further that if a member does not instal a telephone at any place within his constituency or at his permanent place of residence or at Shimla, he shall be paid telephone allowance at the rate of ¹[two hundred and fifty] rupees per mensem.]

²**[5-A. Water and Electricity Allowance .-** ³[Every member shall, on the production of actual payee's receipt, be entitled to the reimbursement of the amount of electricity and water charges bill paid by him subject to a maximum of ⁴[five thousand] rupees per mensem.]

⁵**[6. Free transit by railway or by air or by State Transport Undertaking or by taxi.-** (1) Each member during the term of his office shall be entitled to travel at any time, by railway or by air or by State Transport Undertaking by any class within or outside the Country or by taxi outside the State and within the Country alongwith his family or any person accompanying him to look after and assist him during travel and shall be entitled for the reimbursement of actual expenses so incurred on production of tickets or bills of such journey performed, subject to maximum amount of four lac rupees in each financial year:

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

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

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

¹. The words "one hundred and fifty" substituted for the words "one hundred" vide H.P. Act No. 16 of 1983, effective from 1st September, 1983 and for the word "one" the word "two" substituted vide H.P. Act No. 3 of 1986.

². New Section 5-A inserted vide H.P. Act No. 5 of 1994, amended vide H.P. Act No. 17 of 1998.

³. Section 5-A substituted vide H.P. Act No. 19 of 2003.

⁴. The words "one thousand five hundred" substituted for the words "one thousand" vide H.P. Act No. 11 of 2007, the words "three thousand" substituted for the words "one thousand five hundred" vide H.P. Act No. 31 of 2012, again the words "five thousand" substituted for the words "three thousand" vide H.P. Act No. 16 of 2015.

⁵. Section 6 amended vide H.P. Act No. 9 of 1977, H.P. Act No. 9 of 1979, H.P. Act No. 8 of 1981 and substituted vide H.P. Act No. 16 of 1983, effective from 1st September, 1983, H.P. Act No. 11 of 1989, H.P. Act No. 5 of 1994, H.P. Act No. 10 of 1996, 17 of 1998, H.P. Act No. 9 of 2001, H.P. Act No. 19 of 2003, H.P. Act No. 11 of 2006, H.P. Act No. 19 of 2010, H.P. Act No. 16 of 2015, H.P. Act No. 8 of 2016 and substituted vide H.P. Act No. 16 of 2019.

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

(2) Each member shall be entitled for an advance not exceeding rupees twenty five thousand on his request to undertake such journey and the advance so paid shall be adjusted before the closing of financial year, failing which the entire advance shall be recovered from his salary and allowances in lump-sum.

Explanation.- For determining the aggregate amount so incurred on such journey under this section, the amount so incurred in the same financial year by journey performed by railway or by air or by taxi under section 7 of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 2000 (11 of 2000), or under section 10-A of the Himachal Pradesh Legislative Assembly Speaker’s and Deputy Speaker’s Salaries Act, 1971 (4 of 1971) shall be taken into account.

(3) Each member shall be provided with two free non-transferable passes which shall entitle him and his wife or any other person accompanying him to look after and assist him during travel at any time without payment or fare and passenger tax thereon by any public service vehicle of the Himachal Road Transport Corporation.

(4) The free passes issued to a member under sub-section (1) shall be valid for the terms of his office and on the expiration of such term these shall be surrendered by him to the Secretary of the Himachal Pradesh Legislative Assembly.

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

¹[6-A. Free transit facility by railway or by air or by State Transport Undertaking or by taxi to ex-members.- An ex-member shall be entitled to travel at any time by railway or by air or by State Transport Undertaking by any class within or outside the country or by taxi outside the State and within the Country alongwith his Family or any person accompanying him to look after and assist him during travel and shall be entitled for the reimbursement of actual expenses so incurred on production of tickets or bills of such journey performed, subject to maximum amount of two lac rupees in each financial year:

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

¹. Section 6-A inserted vide H.P. Act No. 9 of 1976, amended vide H.P. Act No. 5 of 1994 and existing section 6-A renumbered as section 6-AA and new section 6-A inserted vide H.P. Act No. 19 of 2003, amended vide H.P. Act No. 19 of 2010 and again substituted vide H.P. Act No. 16 of 2015, amended vide H.P. Act No. 8 of 2016 and again substituted vide H.P. Act No. 16 of 2019.

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

Explanation.- For the purpose of this section, expression "Family" shall mean the spouse, their unmarried son(s) and daughter(s) including unmarried adopted son and daughter.]

6-AA. Compensatory constituency, ¹[xxxxxxx] telephone allowances and other perquisites to the exclusive of income tax.- The ²[salary and compensatory], constituency ³[xxxxxx] and telephone allowances payable to a Member and other perquisites admissible to him, under this Act, shall be exclusive of income tax which shall be payable by the State Government.

Explanation.- The amount of income-tax payable by the State, would be first slab of the income assessed for income tax i.e. in assessing this amount, the other sources of income of the member concerned shall not be taken into consideration.]

⁴**[6-B Pension.-** (1) There shall be paid a pension of ⁵{Rs. ⁶[36,000 per mensem to every person who has served for any period up to five years]as,-

- (a) a member of Assembly; or
- (b) a member of the territorial council; or
- (c) partly as a member of the Assembly and partly as a member of

¹. The words "secretarial postal facilities and" omitted vide H.P. Act No. 19 of 2009.

². Substituted for the words "compensatory" vide H.P. Act No. 5 of 1994.

³. The words "secretarial postal facilities" vide H.P. Act No. 19 of 2009.

⁴. Section 6-B inserted vide H.P. Act No. 43 of 1976, amended vide 11 of 1977, effective from 31st December, 1976, again amended vide H.P. Act No. 18 of 1986.

⁵. The words and figures " Rs. 1,500 per mensem to every person who has served for any period upto five years" substituted for the words and figures "Rs. 1000 per mensem to every person who has served for a period of not less than 5 years whether continuous or not" vide H.P. Act No. 17 of 1998.

⁶. The figure "500" substituted for the figure "300" vide H.P. Act No. 18 of 1986, the figure "1000" substituted for the figure "500" vide H.P. Act No. 5 of 1994, the figure "5000" substituted for the figure "1500" vide H.P. Act No. 18 of 2005, the figures and sign "10,000" substituted for figure "5000" vide H.P. Act No. 19 of 2009, the figures and sign "14,000" substituted for the figures and sign "10,000" vide H.P. Act No. 19 of 2010, the figures and sign "18,000" substituted for the figure "14000" vide H.P. Act No. 31 of 2012, the figures "22,000" substituted for the figures "18,000" vide H.P. Act No. 45 of 2013 and again the figure and sign "36,000" substituted for the figure and sign "22,000" vide H.P. Act No. 8 of 2016.

the territorial council ¹[; or]

²[(d) a member of-

- (i) the Legislative Assembly of the erstwhile State of Patiala and east Punjab States Union; or
- (ii) the Legislative Assembly of the erstwhile Punjab State; or
- (iii) the Legislative Council of the erstwhile Punjab State; or
- (iv) partly as a member of the one and partly as a member of the other;

who has been elected or nominated to represent the whole or the part of the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966. ³[XXXXXX]

- (e) partly as a member of the Assembly and partly as a member of the Legislative Assembly of erstwhile State of Patiala and East Punjab States Union or the Legislative Assembly/Council of the erstwhile State of Punjab, as the case may be:]

⁴[XXXXXXXXXXXXXXXXXXXXX]

⁵[Provided that where any person has served as aforesaid for a period exceeding first term, there shall be paid to him an additional pension of Rs. ⁶[1000/-] per mensem for every year in excess of the period of first term; provided that ⁷[for] this purpose, the fraction of a year shall be counted as one year:

-
- ¹. Substituted for the sign “:” vide H.P. Act No. 31 of 1978, effective from 31st December, 1976.
 - ². The clause (d) and (e) inserted vide H.P. Act No. 31 of 1978 effective from 31st December, 1976, amended vide H.P. Act No. 4 of 1982, effective from 31st December, 1976.
 - ³. The words “and is an ordinary resident of the Territories as comprised in the State of Himachal Pradesh “omitted vide H.P. Act No. 4 of 1982, effective from 31st December, 1976.
 - ⁴. Proviso before existing proviso inserted vide H.P. Act No. 11 of 1977, effective from 31st December, 1976, amended vide H.P. Act No. 31 of 1978, effective from 31st December, 1976, amended vide H.P. Act No. 4 of 1982, and deleted vide H.P. Act No. 17 of 1998.
 - ⁵. Proviso amended vide H.P. Act No. 11 of 1977, H.P. Act No. 8 of 1988, H.P. Act No. 17 of 1989, and existing first proviso substituted by 1st and second provisos vide H.P. Act No. 11 of 1999 effective from 24th August, 1998.
 - ⁶. The figures “200” substituted for the figures “150” vide H.P. Act No. 18 of 2005, the figures and signs “400/-” substituted for figures and signs “200/-” vide H.P. Act No. 19 of 2009, the figures and sign “500” substituted for figure and signs “400/-” vide H.P. Act No. 19 of 2010 again the figures “1000” substituted for the figure “500” vide H.P. Act No. 8 of 2016.
 - ⁷. The words “for” substituted for the words “in no case the pension payable to such persons shall not exceed Rs. 13,000/- per mensem. For” vide H.P. Act No. 11 of 2006.

¹[XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX]

²[Provided further that while reckoning the period for the determination of the additional pension payable under the preceding proviso, in the case of members elected from the constituencies comprised of snow-bound area (non-synchronous area) where the elections are or may be conducted on any day subsequent to the day fixed for the general elections, the period intervening the date on which the oath is administered to the members elected to the Assembly in the general elections and the date on which the oath is administered to the members elected from the snow-bound area (non-synchronous area) shall also be counted.

Explanation.- The expression “snow bound area (non-synchronous area)” means the area comprising Kinnaur Lahaul and Spiti districts and Pangi and Bharmaur tehsils in Chamba district].

³[XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX]

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

- (i) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or Administrator of any Union territory; or
- (ii) becomes a Member of ⁴[XXXXXX] any Legislative Assembly of a State or a Union territory or Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966 (19 of 1966); or
- (iii) is employed on a salary under the Central Government or any State Government or in a Corporation owned or controlled by the Central Government or any State Government or local authority or becomes otherwise entitled to any remuneration from State Government, Corporations 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 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.

¹. Second proviso deleted vide Act No. 18 of 2005.
². Proviso alongwith *Explanation* inserted vide H.P. Act No. 19 of 1991.
³. Sub-section (1-A) inserted vide H.P. Act No. 3 of 1989 amended vide H.P. Act No. 2 of 1990, effective from 7th February, 1989, Act No. 14 of 1995 and omitted vide H.P. Act No. 17 of 1998.
⁴. The words and sign “the Council of States or the House of the People or” deleted vide H.P. Act No. 14 of 1995.

¹[(3) Where any other person entitled to pension under sub-section (1) is also entitled to any other pension, such person shall be entitled to receive the pension under sub-section (1) in addition to such other pension.]

(4) In computing the number of years for the purposes of sub-section (1), the period during which a person has served as a minister, as defined in the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971 or the Speaker or the Deputy Speaker of the Assembly or the Chairman of the Territorial Council shall also be taken into account.

²[(5) Where any person who draws pension or is entitled to draw pension, under ³{sub-section (1) and (1-A)}], dies,-

- (i) his/her spouse during his/ her life time or till he/she remarries; or
- (ii) if such person leaves no spouse his minor children till they attain the age of majority and in case of daughters till they get married;

shall be entitled to draw pension ⁴[at the rate of 50% of pension as admissible to such person ⁵[XXXXXXXXXXXXXXXXXXXXXXXXXX]]

Provided that where more than one person becomes entitled for pension under this sub-section all such persons shall draw the said pension in equal shares.]

⁶[(5-A) Notwithstanding anything to the contrary contained in this section where a person would have been entitled to draw pension under sub-section (1) or sub-section (1-A) of this section but for his death before the 7th day of February, 1989 he could not draw such pension, his spouse, minor children or un-married daughters shall be entitled to draw pension under sub-section (5), as if such person was alive on the 7th day of February, 1989.]

⁷[(6) Notwithstanding anything to the contrary contained in this section, where a person would have been entitled to draw pension, under sub-

¹. Proviso to Sub-section (3) added vide H.P. Act No. 4 of 1982, amended vide 18 of 1986, substituted vide H.P. Act No. 8 of 1988 and again sub-section (3) substituted vide H.P. Act No. 14 of 1995.

². Sub-section (5) inserted vide H.P. Act No. 3 of 1986, substituted vide H.P. Act No. 3 of 1987, H.P. Act No. 8 of 1988 and again substituted vide H.P. Act No. 3 of 1989, see transitory provisions at the end of the Act.

³. Substituted for the words, brackets and figures "Sub-section (1)" vide H.P. Act No. 2 of 1990.

⁴. Substituted for the words and sign "of the rates specified in the Schedule to this Act" vide H.P. Act No. 11 of 1999, effective from 24th August, 1998.

⁵. The words "subject to a minimum of Rs. 1500/- per month (including Dearness Relief up to 1510 Consumer Price Index as on 1.1.1996)" deleted vide H.P. Act No. 18 of 2005.

⁶. Sub-section (5-A) inserted vide H.P. Act No. 2 of 1990 effective from 7th February, 1989.

⁷. Sub-section (6) inserted vide H.P. Act No. 13 of 1988, effective from 24th January, 1986.

section (1) but for his death before the 31st day of December, 1976 he could not draw such pension,-

- (i) his/ her spouse during his/her life time or till he/ she remarries; or
- (ii) if such a person leaves no spouse, his/her minor children till they attain the age of majority and in case of daughters till they get married;

shall be entitled to draw pension equal to a sum which would have been drawn by such a person as pension under this section as if such person was alive on the 31st day of December, 1976 or the sum of rupees three hundred and Seventy five per mensem, whichever is higher ;

Provided that the upper limit of rupees three hundred and seventy five shall not apply for the pension under this sub-section for the period from the 24th day of January, 1986 to the 31st day of March, 1988:

Provided further that where more than one person becomes entitled to pension under this sub-section, all such person shall draw the said pension in equal shares.]

¹[XX]

(7) Every person who draws pension/family pension or is entitled to draw pension/family pension shall, in addition to the pension/family pension admissible under this section, be paid dearness relief in pension at the same rates as is admissible to other pensioners of the State Government.]

²**[6-C. Medical facilities to Ex-members.-** (1) Every person who is entitled to pension under the provision of section 6-B shall also be entitled to such medical facilities for himself and for the members of his family as are from time to time admissible to the retired Class-I Officers of the Himachal Pradesh Government] ³[:]

⁴[Provided that a person who is not entitled to pension under this section either by virtue of the provisions contained in sub-section (3) of section 6-B or because he has served for a period less than five years, shall be entitled to the aforesaid medical facilities].

⁵[(2) Every person who is entitled to medical facilities under sub-section (1), shall be entitled for medical advance, subject to the conditions as may be prescribed, for himself and for the members of his family.

¹. Sub-sections (6) and (7) inserted vide H.P. Act No. 3 of 1989 and again sub-section (6) occurring immediately before sub-section (7) omitted vide H.P. Act No. 11 of 1999.

². Section 6-C inserted vide H.P. Act No. 11 of 1977.

³. The sign “:” substituted for the sign “.”vide H.P. Act No. 16 of 1983, effective from 1st September, 1983.

⁴., Proviso added vide H.P. Act No. 16 of 1983, effective from 1st September, 1983.

⁵. Existing Section 6-C renumbered as (1) and new sub-section (2) inserted vide H.P. Act No. 23 of 1984.

Explanation.- For the purpose of this section, the expression "family" shall mean and include the spouse, ¹[unmarried children] and parents of such a person wholly dependent upon that person.]

²[**6-CC. Telephone facilities to ex-members.-** Every ex-Member, who is entitled to pension under the provisions of section 6-B, shall also, on the production of actual payee's receipt, be entitled to the reimbursement of amount of rent paid by him for the telephone installed at his permanent place of residence.]

³[**6-D. Recovery of Government dues from compensatory allowance or pension.-** (1) If any person to whom compensatory allowance is admissible under this Act has been a member during any period earlier to his existing term and has not paid to the State Government any amount payable by him on account of any advance, any residential accommodation or any other facility of whatever nature, provided to him by the State Government during such earlier period in his capacity as Minister, Speaker, Deputy Minister, Deputy Speaker, Chief Parliamentary Secretary, Parliamentary Secretary or member, the above referred amount due from him may be recovered from his compensatory allowance.

(2) 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 advance, any residential accommodation or any other facility of whatever nature provided to him by the State Government in his capacity as Minister, Speaker, Deputy Minister, Deputy Speaker, Chief Parliamentary Secretary, Parliamentary Secretary or member, the above referred amount due from him may be recovered from his pension.]

7. Power to make rules.- (1) The 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 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

¹. Substituted for the words "minor children" vide H.P. Act No. 4 of 1997.

². Section 6-CC inserted vide H.P. Act No. 5 of 1994.

³. Section 6-D inserted vide H.P. Act No. 9 of 1979.

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 5 ¹[;]

²[(ff) the form in which certificate, if any, shall be furnished by any person for the purpose of claiming any pension under section 6-B; ³{xxxx}]

⁴[(fff) the conditions subject to which the medical advance under section 6-C is to be granted; and]

(g) any other matter connected with or incidental to the matters aforesaid.

(3) Until such rules come into force, all matter 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 and contained in the Salaries and Allowances of Members of the Legislative Assembly (Himachal Pradesh) Act, 1963 so far as these are consistent with the provisions of this Act.

8. Interpretation.- 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.

9. Repeal and savings.- (1) The Salaries and Allowances of the Members of the Legislative Assembly (Himachal Pradesh) Act, 1963 (4 of 1963), and the Salaries and Allowances of the Members of the Legislative Assembly (Himachal Pradesh) Ordinance, 1971 (3 of 1971) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken (including any rules, notifications or orders made or issued) in exercise of any power conferred by or under the said Act and Ordinance shall be deemed to have been done or taken under this Act.

⁵[XXXXXXXXXXXXXXXXXXXXXXXXXXXXX].

**Transitory provisions under section 4 of the Himachal Pradesh
Legislative Assembly (Allowance and Pension of Members) Third
Amendment Act, 1988 (Act No. 3 of 1989).**

4. Transitory provisions.- Any person who, on the commencement of this Act, is in receipt of a family pension under the principal Act in excess of the amount to which he would have been entitled under the provisions of

¹. Substituted for the word “and” vide H.P. Act No. 43 of 1976.

². Clause (ff) inserted vide H.P. Act No. 43 of 1976..

³. The word “and” omitted vide H.P. Act No. 23 of 1984.

⁴. Clause (fff) inserted vide H.P. Act No. 23 of 1984.

⁵. Schedule added vide H.P. Act No. 3 of 1989 and omitted vide H.P. Act No. 11 of 1999, effective from 24th August, 1998.

sub-section (5) of section 6-B of the principal Act, as amended by clause (c) of section 2 of this Act, he shall continue to draw the pension at the same rates but the difference between the amount of family pension admissible and the amount already being drawn by him shall be treated as personal to him, subject to its being absorbed in future increases in family pension or the dearness relief in pension admissible under section 6-B of the principal Act.
