

**The Goa Salary, Allowances and Pension of Members of the
Legislative Assembly (Fifth Amendment) Bill, 2018**

(Bill No. 17 of 2018)

A

BILL

further to amend the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Goa Act 20 of 2004).

Be it enacted by the Legislative Assembly of Goa in the Sixty-ninth Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Fifth Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the first day of April, 2018.

2. Amendment of section 3.- In section 3 of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Goa Act 20 of 2004) (hereinafter referred to as the “principal Act”),-

(i) in sub-section (1), the following proviso shall be inserted, namely:-

“Provided that, the amount payable as salary and daily allowances shall be increased from time to time, at the rate arrived after deduction of the rate of dearness allowance as was applicable on the first day of April, 2012, from the rate of dearness allowance as notified from time to time, in terms of the Sixth Central Pay Commission’s Recommendations.”;

(ii) in sub-section (2), for the expression “Rs. 1,500/- (Rupees one thousand and five hundred only)”, the expression “Rs. 3,000/- (Rupees three thousand only)” shall be substituted.

3. Amendment of section 9.- In section 9 of the principal Act, the following proviso shall be inserted, namely:-

“Provided that, the amount payable as constituency allowance shall be increased from time to time, at the rate arrived after deduction of the rate of dearness allowance as was applicable on the first day of April, 2012, from

the rate of dearness allowance as notified from time to time, in terms of the Sixth Central Pay Commission's Recommendations.”.

4. Amendment of section 11.- In section 11 of the principal Act, before the first proviso, the following proviso shall be inserted, namely:-

“Provided that, the amount payable as pension shall be increased from time to time, at the rate arrived after deduction of the rate of dearness allowance as was applicable on the first day of April, 2012, from the rate of dearness allowance as notified from time to time, in terms of the Sixth Central Pay Commission's Recommendations.”.

5. Amendment of section 14.- In section 14 of the principal Act, in subsection (3), for the expression “Rs. 6,000/-”, the expression “Rs. 7,500/-” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

In view of increasing price rise and considering the present level of price index, it is proposed to increase salary, allowances, pension, etc., payable to the Members of the Legislative Assembly.

Accordingly, the Bill seeks to amend sections 3, 9 and 11 of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Act 20 of 2004) (hereinafter referred to as the “said Act”), so as to increase the monthly salary, daily allowance, constituency allowance and pension payable to Members of the Legislative Assembly at the rate arrived after deduction of the rate of dearness allowance as was applicable on the first day of April, 2012, from the rate of dearness allowance as notified from time to time, in terms of the Sixth Central Pay Commission’s Recommendations.

The Bill further seeks to enhance the amount payable to a member for each day of duty in lieu of accommodation to be provided to him from present rupees one thousand five hundred to rupees three thousand.

The Bill also seeks to amend section 14 of the said Act, so as to increase the travelling allowance payable to a member in lieu of accommodation / stay during his travel outside State in the capacity of committee member or in an official capacity, from present rupees six thousand to rupees seven thousand five hundred,

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The present Bill involves financial implications on account of enhancement in the monthly salary, daily allowance, travelling allowance and constituency allowance payable to Members of the Legislative Assembly and pension payable to former members and their dependants, to the tune of Rs.660 lakhs per year, approximately.

MEMORANDUM REGARDING DELEGATED

LEGISLATION

No delegated legislation is envisaged in this Bill.

Porvorim – Goa
August, 2018

MANOHAR PARRIKAR
Chief Minister/Minister for Law,
Judiciary and Legislative Affairs.

Assembly Hall,
Porvorim – Goa.
August, 2018

N. B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

**Governor's Recommendation under Article 207 of the
Constitution of India**

In pursuance of Article 207 of the Constitution of India, I, Smt. Mridula Sinha, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Fifth Amendment) Bill, 2018, by the Legislative Assembly of Goa.

ANNEXURE

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Extract of sections 3, 9, 11 and 14 of the Goa Salary, Allowances and Pension of the Members of the Legislative Assembly Act, 2004 (Act No. 20 of 2004).
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Section 3

3. Salaries and daily allowances.— (1) A member shall be entitled to receive salary at the rate of *ten thousand rupees* per month during his term of office and shall also be entitled to receive daily allowances at the rate of two thousand rupees for each day during any period on duty.

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

(2) A member shall be entitled for an amount of Rs. 1,500/- (Rupees one thousand and five hundred only), for each day on duty in lieu of the accommodation provided under section 13.

Section 9

9. Constituency allowance.— Notwithstanding anything contained in any other law for the time being in force, there shall be paid to each member a constituency allowance at the rate of ninety thousand rupees per every calendar month or a part thereof, during the term of the Assembly.

Section 11

11. Pension.— (1) Subject to the other provisions of this Act, with effect from the 1st day of July, 2004, there shall be paid to every person who has been a member, a pension of rupees fifteen thousand per mensem for the first year and two thousand rupees per month for every successive year of his membership in the Assembly subject to a maximum of rupees seventy thousand per month and while reckoning the period of one year, days exceeding 180 days in a calendar year shall be counted as one year:

Provided that the members of the First Legislative Assembly, the members nominated to the Second Legislative Assembly and the members of the Sixth Legislative Assembly elected from the constituencies of Daman and Diu, of the then Union Territory of Goa, Daman and Diu, and

who have served as such members for a period which falls short of five years, shall be deemed to have completed a term of five years and be paid pension accordingly:

Provided further that pension shall also be paid to the members nominated to the Sixth Legislative Assembly:

Provided also that the said members of the Sixth Legislative Assembly elected from the constituencies of Daman and Diu shall not draw the pension as long as they serve as Councillors of the Union Territory of Daman and Diu:

Provided also that after the death of the person as aforesaid, the pension shall be payable to his widow or her widower, as the case may be, as long as she or he does not remarry and after the death of the widow or widower, as the case may be, the pension shall be payable to the dependent family members of the person as aforesaid till they attain the age of 25 years and to unmarried dependent daughter till she gets married or till her death, whichever is earlier, and such pension shall be payable subject to the provisions in the succeeding sub-sections of this section and the other provisions of this Act.

(2) The pension payable to a person under sub-section (1), in case there be any outstanding amount or loan or any facilities availed under this Act, it shall be first adjusted towards repayment of such outstanding amount or loan or any facility availed of, including interest payable thereon, till such entire outstanding amount or loan or facility is cleared.

(3) 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 the Administrator of any Union Territory; or

(ii) becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State; or

(iii) is employed on a salary under Central Government, or any State Government or any Corporation owned or controlled by the Central

Government or by 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 such remuneration:

Provided that where the salary payable to such person for holding such office or being such member or so employed or whom 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.

(4) Where any person entitled to pension under sub-section (1) is also entitled to any pension from 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 under any law or otherwise, then,

(a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section:

Provided that any pension (whether known as Swantantra Sainik Samman pension or by any other name) received by such pensioner as a freedom fighter or any pension received by such pensioner as a teacher in an aided educational institution shall not be taken into account for the purpose of this sub-section and such person shall be entitled to receive such pension in addition to the pension to which he is entitled under sub-section (1).

(5) In computing the number of years for the purpose of sub-section (1) the period during which a person has served as a Minister as defined in the

Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965) or as a Speaker or Deputy Speaker as defined in the Goa Salaries and Allowances of the Speaker and Deputy Speaker Act, 1964 (Act 4 of 1965) shall also be taken into account.

Section 14

14. Travelling allowance.— (1) In respect of every journey performed by a member for attending to any official business connected with his duties as a member outside the State, he shall be entitled to travelling allowance from his usual place of residence to such place where the business is to be transacted and for the return journey from such place to his usual place of residence, the amount of such allowance shall be the maximum amount which would be admissible in respect of journeys on tour to a Group 'A' Officer of the Central Government serving in connection with the administration of the State of Goa and shall also be entitled to an advance of travelling allowance when proceeding on tour outside the State of Goa in connection with his duties as a member on the same terms and conditions as are applicable to the grant of an advance to the Group 'A' officer aforesaid in connection with a tour.

Provided that a member shall also be entitled to travelling allowance, at the rate aforesaid for journey made by him for the purpose other than aforesaid, from his usual place of residence to Delhi or any other place within India and for the return journey from such place to his usual place of residence, not more than twice a year.

(2) Notwithstanding anything contained in sub-section (1), a member who performs a journey by road or by air between places connected by rail, whether wholly or in part, may draw the road mileage in place of the travelling allowance which would have been admissible to him if he had travelled by rail or actual air fare for each journey undertaken, as the case may be:

Provided that the total amount of travelling allowance drawn by such member for the entire journey shall not exceed the amount which would have been admissible to him, had he performed the journey by rail or actual, air fare with respect to journey undertaken, as the case may be.

(3) A member travelling outside the State, either in the capacity of committee member or in any other official capacity, shall be entitled for reimbursement of an amount to the extent of Rs. 6,000/- per day in lieu of his/her accommodation/ stay during his/her travel as aforesaid.

Assembly Hall,
Porvorim – Goa.
02 August, 2018.

N. B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa.