



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Salary, Allowances and
Pension of Members of the
Legislative Assembly
Bill, 2004**

(Bill No. 25 of 2004)

De _____
(To be introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
AUGUST, 2004

**The Goa Salary, Allowances And Pension
of Members of the Legislative
Assembly Bill, 2004**

(Bill No. 25 of 2004)

A

BILL

*to provide for the salary, allowances and pension
of Members of the Legislative Assembly of Goa.*

BE it enacted by the Legislative Assembly of
Goa in the Fifty-fifth Year of the Republic of India
5 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 Act, 2004.

10 (2) It shall be deemed to have come into force
with effect from the 1st day of July, 2004.

2. *Definitions.*— In this Act, unless the context
otherwise requires,—

15 (a) "Assembly" means the Legislative
Assembly of Goa;

(b) "Controlling Officer" means the Secretary
to the Assembly;

(c) "committee" means a committee of the
Assembly;

20 (d) "day" means a period of 24 hours
beginning at midnight;

(e) "family" means a wife residing with the husband and legitimate children wholly dependent on him. If the Member is a married woman, "family" shall include her husband residing with her; 5

(f) "Government" means the Government of Goa;

(g) "member" means a member of the Assembly;

(h) "notification" means a notification published in the Official Gazette; 10

(i) "Official Gazette" means the Gazette published by the Government of Goa;

(j) "period on duty" means the days on which a Member attends a session of the Assembly or a sitting or a meeting of a committee or when he is on tour for each day of sanctioned travel; 15

(k) "prescribed" means prescribed by rules; 20

(l) "term of office" in relation to a member means the period beginning with the date when such member takes his seat in the Assembly and ending with the date on which his seat becomes vacant. 25

3. *Salaries and daily allowances.*— (1) A member shall be entitled to receive salary at the rate of five thousand rupees per month during his term of office and shall also be entitled to receive daily allowances at the rate of seven hundred and fifty rupees for each day during any period on duty. 30

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. 300/- (Rupees three hundred only), for each day on duty in lieu of the accommodation provided under section 13.

4. *Consolidated allowance.*— A member shall, during his term of office, be entitled to receive a consolidated allowance at the rate of five thousand rupees per month to cover conveyance, postage, stationery and constituency expenses. 10

5. *Motor car advance.*— (1) Subject to other provisions of this Act and to such conditions as may be prescribed, a Member may be sanctioned, by way of repayable advance, an amount of Rs. 6 lakhs for purchase of new motor car at such installments and interest fixed under the rules: 15

20 Provided that a member can avail of the maximum amount of advance of Rs. 6 lakhs and use the same, in part for the purpose of purchase of new motor car and in part for the repayment of outstanding amount of any advance or loan earlier availed of by a member for purchase of motor car either under this Act or any other law or rules made thereunder. 25

(2) The advance referred to in sub-section (1) may be availed of by a member once every three years provided the member has fully cleared any advance earlier availed under sub-section (1) and if such earlier advance has not been fully cleared, then, the member may be sanctioned a second 30

advance only to the extent of the differential in the amount specified under sub-section (1).

(3) A motor car purchased under sub-section (1) shall be hypothecated to the Government and also insured, in the manner prescribed.

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(4) A member may be allowed to sell the motor car purchased under sub-section (1) only for the purpose of repaying the entire amount of advance granted under sub-section (1), with the permission of the sanctioning authority.

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(5) Notwithstanding anything contained in sub-section (1), any advance or loan availed of by a member for purchase of motor car under the provision of any other law or rules made thereunder shall continue to be governed by the provision of such other law or rules.

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6. *Housing advance.*— (1) Subject to the provisions of this Act, a member may, during his term of office, be sanctioned a housing advance of upto a maximum of Rs. 12 lakhs, repayable within a maximum period of ten years on such installments and interest as may be fixed by the Speaker, for construction of a house or a bungalow or for acquiring a flat, for residential purpose and such housing advance can be availed of by a member only once during his life time.

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(2) The terms and conditions for the grant of housing advance under sub-section (1) shall be as prescribed and the recovery of the advance shall be made from the salary and pension of the member in the manner prescribed.

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(3) Notwithstanding anything contained in sub-section (1), a member may be allowed to use out of the advance sanctioned to him under this section, for the purpose of repaying any existing loan availed of by a Member from any Bank or financial institution for the purpose of housing to full extent or for the purpose of carrying out repairs to his house to the extent of 50% of the limit.

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(4) A house, bungalow, etc. constructed or a flat acquired with the advance granted under this section shall be mortgaged to the Government by means of a registered deed of mortgage in the manner prescribed and the member shall have no right to sell, mortgage, assign, transfer or alienate in any manner whatsoever such house bungalow, flat, etc, until the entire advance granted under this section is repaid by the member and such mortgage to the Government shall have priority over all other dues.

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7. *Interest in case of default.*— In the event of default committed by a member in the repayment of even a single installment of any loan or advance granted to a member under any provision of this Act by the due date as fixed by the sanctioning authority, the concerned member shall be liable to pay penal interest at such rate as may be prescribed, on the entire amount of the loan or advance sanctioned, from the date of drawal of such loan or advance till the repayment of the full amount of such loan or advance.

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8. *Creation of fund for unrecoverable advances.*— There shall be created a fund under

the authority of the Speaker to which shall be credited by every member who has availed of an advance under section 5 or section 6 of this Act, an amount of Rs. 200/- per annum for every lakh of rupees of advance granted under the said sections, and the amount in such fund shall be used towards meeting the unrecoverable advances under any of the provisions of this Act as and when such situation arises, in the manner prescribed. However, the amount credited to such fund shall not be considered as repayment towards the principal or interest of any advance or loan availed of by a member under this Act.

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 eight thousand rupees per every calendar month or a part thereof, during the term of the Assembly.

10. *Constituency office allowance.*— A member using a premises in his constituency for the purpose of his office shall be entitled for an allowance of rupees four thousand per month.

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 five thousand per mensem for the first year and five hundred rupees per month for every successive year of his membership in the Assembly subject to a maximum of rupees fifteen 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 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 male children of the person as aforesaid till they attain the age of 18 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 the 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.

12. Nomination.— (1) Any person to whom any pension mentioned in section 11 is payable (hereinafter referred to as "the pensioner"), may nominate any other person (hereinafter referred to as the "nominee") in such manner as may be prescribed, to receive after the death of the

pensioner, all moneys payable to the pensioner on account of such pension, at, before or after the date of such nomination and which remains unpaid immediately before the death of the pensioner.

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(2) The nominee shall be entitled, subject to there being no outstanding amount of any repayable advance or loan, on the death of the pensioner, to receive, to the exclusion of all other persons, all such moneys which have remained unpaid:

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Provided that if the nominee predeceases the pensioner, the nomination shall, so far as it relates to the right conferred upon the said nominee, become void and of no effect:

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Provided further that where provision has been duly made in the nomination, in accordance with rules made by the Government conferring upon some other person, the right to receive all such moneys, which have so remained unpaid, in the event of the nominee predeceasing the pensioner, such right shall, upon the death as aforesaid of the nominee, pass to such other persons.

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13. *Accommodation in Government Hostel, etc.*— During his period on duty, a member may be given a single room accommodation in the Government Guest House at Panaji, or any other Government owned Hostel or Hotel on rent at the rate of one rupee per day for lodging only.

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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 being such as 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.

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(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:

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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. 2500/- per day in lieu of his/her accommodation/stay during his/her travel as aforesaid.

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15. *Petrol/diesel for personal vehicle.*— A member shall be entitled for a maximum of two hundred and fifty litres of petrol/diesel per month, for the use of his personal vehicle, the cost of which shall be borne by the Legislature Secretariat, in the manner prescribed.

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16. *Medical treatment, etc. to members.*— (1) A Member and the members of his family shall be entitled, free of charge, to accommodation in hospitals maintained by the Government and also to medical treatment in the manner prescribed under this Act.

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(2) The Speaker shall have power to sanction medical bills upto an amount of Rs. 3,00,000/- (Rupees three lakhs only), and for amounts exceeding Rs. 3,00,000/- (Rupees three lakhs only), the medical bills shall be referred to a panel consisting of the Chief Minister, the Speaker and the Leader of Opposition, for sanction. The operation of this section shall be in the manner prescribed by rules.

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17. *Medical treatment to ex-members.*— Every person who is not a sitting member but has served for any period as a member, and his wife, shall be entitled, free of charge, to accommodation in hospitals maintained by the Government and also to medical treatment as prescribed and the

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medical bills shall be submitted to the Speaker or to the panel referred to in sub-section (2) of section 16, as the case may be, for sanction, in the manner prescribed.

5 18. *Telephone facilities.*— Where telephone facilities are available at the place declared by a member to be his head-quarters, he shall be entitled to have a telephone at his residence, or at the place where he ordinarily conducts his work relating to the Assembly subject to the condition that he shall meet the cost of the installation of such telephone in full and that, in regard to the recurring charges, he shall be entitled to telephone allowance of Rs. 5000/- per month.

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19. *Personal assistants.*— Subject to the provisions of the rules made in this behalf, a member may appoint not more than four persons possessing such qualifications and on such terms and conditions as may be prescribed, as his personal assistants and the total remuneration payable to all such personal assistants shall not exceed Rs. 18,000/- (Rupees eighteen thousand only) per month:

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Provided that in case a member engages the services of a serving Government employee as his personal assistant then the total remuneration of Rs. 18,000/- (Rupees eighteen thousand only) shall be reduced by an amount equivalent to the basic salary drawn by such Government employee at the time of his engagement as personal assistant.

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20. *Computer to the members.*— (1) Every member shall be provided with, either a lap top

or a desk top computer, as per the choice of the member concerned, with an approved pre-loaded software, a printer and U.P.S. alongwith necessary connecting cables, for installation at a place identified by the member, and the total cost whereof, which shall be borne by the Legislature Secretariat, shall not exceed Rs. 1,25,000/- (Rupees one lakh twenty five thousand only). 5

(2) The member, however, shall bear the cost of all consumables and the cost of repairs, etc. to the hardware, as well as the cost incurred on further updating the preloaded software. 10

(3) After expiry of a period of three years from the date of supply of the computer under sub-section (1), the member shall have the option to purchase the computer provided to him under sub-section (1) after paying the depreciated cost of the computer. 15

(4) The Legislative Assembly Secretariat shall be responsible for purchase of hardware, software and other connected equipments for distribution to members as aforesaid and the Speaker shall frame the necessary rules for giving effect to the provisions contained in this section. 20

21. *Reimbursement of electricity and water charges.*— A member shall be entitled for reimbursement of the monthly electricity and water consumption charges in respect of his place of residence subject to a maximum amount of Rs. 4,000/- (Rupees four thousand only) per month. 25 30

22. *Allowances during short intervals between the termination of one session and the*

commencement of another session, etc.— Where the interval between the adjournment of the Assembly or, as the case may be, one sitting of a committee and the re-assembly of that Assembly or the next sitting of the committee at the same place does not exceed three days and the member concerned elects to remain at such place during the interval, he shall be entitled to draw for each day on duty at such place a daily allowance at the rate specified in section 3: 5 10

Provided that if the member leaves such place during the interval, absence from the place shall be treated as absence during a session of the Assembly or a sitting of the committee, as the case may be, and the provisions of section 3 shall apply accordingly. 15

23. *Certain sections not to apply to Chief Minister, Minister, etc.*— The provisions of sections 3, 13, 14, 19, 21 and 22 of this Act shall not be applicable to a member who is appointed as the Chief Minister, a Minister, a Minister of State, a Deputy Minister, or elected as the Speaker or Deputy Speaker. 20

24. *Power of the Speaker in certain cases.*— Separate accounts shall be created for implementation of the provisions of sections 5, 6 and 16 of this Act and the Speaker shall lay down guidelines and procedure for their operation. 25

25. *Procedure.*— The procedural provisions of the Schedule to this Act shall apply in respect of all claims for salary and allowances. 30

26. *Power to make rules.*— The Government or the Speaker, as the case may be, may by

notification in the Official Gazette, make rules for carrying out the purposes of this Act.

27. *Repeal and saving.*— (1) The Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964 (Act 2 of 1965) is hereby repealed. 5

(2) Notwithstanding such repeal,—

(a) anything done or any action taken or purported to have been done or taken including any rule, notification, scheme, order or notice made or issued or any appointment, confirmation or declaration made or any licence, permission, authorization or exemption or loan or advance granted or any document or instrument executed or any direction given under the repealed Act shall be deemed to have been done or taken under the corresponding provisions of this Act; 10 15

(b) all rules or any schemes framed under the repealed Act shall, to the extent permissible and expedient, continue to be in force till the necessary rules or schemes, as the case may be, are framed under the provisions of this Act. 20

SCHEDULE

(See Section 25) 25

Procedural provisions.— (1) Every member shall, as soon as possible after he is elected or nominated, declare his usual place of residence to the Controlling Officer and any subsequent change in the usual place of residence

so declared shall be notified to the Controlling Officer in Form 'A' appended to this Schedule.

(2) A member who claims any travelling or other allowance under this Act shall support his claim by a certificate in the following form, namely:— 5

"Certified that no travelling allowance in respect of the journey or daily allowance for the period mentioned in this bill has been or will be claimed from any other official source".

(3) Where no part of the journey is performed by a conveyance provided at the expense of the Government or a Local Fund, the following certificate shall be furnished, namely:— 10

"Certified that I have not performed any part of the journey by a conveyance provided at the expenses of the Government or a Local Fund". 15

(4) After completing each final return journey on termination of a session of the Assembly or a sitting of a committee or any other business connected with duties as a member, a member shall furnish a certificate in Form 'B' appended to this Schedule. 20

(5) Ordinarily, any non-governmental dues outstanding against a member shall not be recovered from his salaries and allowances but where such dues are on account of certain services rendered to him in the course of his duties as a member, such as, when he is on tour with a committee, and the arrangements for such services have been made by or at the instance of semi-Government institutions or private parties at the request of officers of the Assembly, and where such member, inspite of repeated requests, had failed to make payment of such dues, recovery thereof may be effected from the salary or travelling or daily allowance bills of such member. 25 30

I have changed my usual place of residence from to
with effect from due to
..... (here state the reasons). 5

I may henceforward be allowed travelling allowances from

(Signature)
(Constituency)
(Date) 10

FORM 'B'

Departure and Return Journey Certificate.

(The Certificates may kindly be filled in, signed and returned to the Secretary, Legislative Assembly, as soon as possible after the completion of the return journey). 15

(1) Certified that I performed the return journey under section 14 of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004, leaving (place) on the (Date) I arrived at (Place) on the (Date). 20

(2) Certified that I have not performed any part of journey (other than the railway journey) by a conveyance provided at the expense of the Government or a Local Fund.

(3) Certified that I actually travelled by air from (Place) to (Place) by day/night service.

5 Payment of the Supplementary bill is required at (station).

Station

Dated

.....

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Member of the Legislative
Assembly
Constituency.....

Statement of Objects and Reasons

The Legislative Assembly of the then Union Territory of Goa, Daman and Diu, enacted the Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly Act, 1964 (Act 2 of 1965) to provide for the Salaries and Allowances of the Members of the then Legislative Assembly of Goa, Daman and Diu. The said Act 2 of 1965, has since been amended from time to time to make provision for various other matters such as pension, etc. and provide for certain new facilities to the Members. The said Act, 1964, now provides for matters such as salary and daily allowance, Consolidated allowance, Motor car advance, Constituency allowance, Constituency office allowance, Pension, Nomination, accommodation in Government Hostel, travelling allowance, petrol for personal vehicle, travelling allowance for intermediate journey, Medical treatment, Telephone facilities, Personal assistants, Computer to the members, allowances during short intervals, etc., spread in various amendments to the said Act, 1964.

The Government has reviewed the various provisions as contained in the said Act, 1964, vis-a-vis the allowances, facilities, etc. available to the members and on such review, Government has decided to enact a new law by repealing the existing Act 2 of 1965, so as to enhance the existing facilities available to the members and provide certain new facilities like housing loan, medical treatment to ex-members, etc., keeping in view the requirements of the members for

efficient discharge of their duties as members of the Legislative Assembly.

This Bill seeks to achieve the above objects.

Financial Memorandum

Even though the Bill proposes to repeal the existing Act 2 of 1965 and enact a new law in its place, most of the facilities, etc. available to the members under the said Act 2 of 1965 will continue to be available under the new law but in an enhanced manner and certain new facilities are also proposed in the new law.

Hence, the additional financial liabilities are as follows:-

- (1) The additional liability on account of increase in the salary components of Members i.e. Constituency Allowance and Constituency Office Allowance, amounts to Rs. 6 lakhs per annum.
- (2) The additional liability on account of increase in the supply of 50 litres more petrol/diesel is around Rs. 6 lakhs per annum.
- (3) The additional liability on account of introduction of new section i.e. reimbursement of electricity and water bills of the Members, will be around Rs. 15 lakhs per annum.
- (4) The additional liability on account of increase of D. A. during Committee Meetings and

Assembly sittings is around Rs. 8 lakhs per annum.

- (5) The additional liability on account of increase in accommodation charges during the official tour to other States is around Rs. 4 lakhs per annum.
- (6) The additional liability on account of increase of remuneration to the personal assistants to members is around Rs. 9 lakhs per annum.
- (7) The liability on account of extending housing loan to the Members is around Rs. 5 crores, during five years.
- (8) The additional liability on account of increase in pension of the ex-Members is around Rs. 20 lakhs per annum.

Memorandum Regarding Delegated Legislation

Clause 5 of the Bill provides for framing of rules to specify the conditions subject to which car advance shall be granted to the members so also to specify the installments and interest. Clause 6(2) of the Bill provides for framing of rules specifying the terms and conditions for the grant of housing advance and the manner in which the said advance shall be recovered from the salary and pension of the members. Clause 7 of the Bill provides for specifying by way of rules the rate of interest chargeable in case of default in payment of installment of any loan or advance. Clause 8 of the Bill provides for framing of rules as regards the fund for unrecoverable advances. Clause 12 of the Bill provides for framing of rules to specify the manner in which the nomination may be made. Clause 15 of the Bill provides for framing of rules to specify the manner in which the cost of petrol/diesel shall be borne by the Legislature Secretariat. Clause 16 of the Bill provides for framing of rules to specify the manner in which medical treatment shall be available to the members in hospitals maintained by the Government and also to provide for the manner in which the medical bills shall be sanctioned. Clause 17 of the Bill provides for framing of rules to specify the manner in which medical treatment shall be available to the ex-member and his wife so also the manner of sanction of the medical bills. Clause 19 of the Bill provides for framing of rules to specify the qualifications and terms and conditions subject to which a member may appoint personal assistants. Clause 20 of the Bill provides for framing of rules as regards supply of

computers to the members. Clause 26 of the Bill empowers the Government or Speaker to frame rules for carrying out the purposes of the Act.

These delegations are of normal character.

Porvorim-Goa.

FRANCISCO D'SOUZA
Minister for Legislative Affairs

Date: 2nd August, 2004.

Assembly Hall,
Porvorim-Goa

SUDHIR NARVEKAR
Secretary to the Legislative

Date: 2nd August, 2004. Assembly of Goa

Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, S. C. Jamir, Governor of Goa, hereby recommend the introduction and consideration of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Bill, 2004, by the Legislative Assembly of Goa.