



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Salary, Allowances and Pension of Members of  
the  
Legislative Assembly  
(Amendment) Bill, 2005.**

(Bill No. 17 of 2005)

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**(As introduced in the Legislative Assembly of the State  
of Goa)**

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**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM, GOA  
AUGUST, 2005.**

**The Goa Salary, Allowances and Pension of Members of the Legislative Assembly  
(Amendment) Bill, 2005**

(Bill No. 17 of 2005)

A

BILL

*to amend the Goa Salary, Allowances and Pension of Members of the Legislative  
Assembly Act, 2004.*

BE it enacted by the Legislative Assembly of Goa in the Fifty-sixth 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 (Amendment) Act, 2005.

(2) (i) Section 2 (i) of this Act shall come into force at once.

(ii) Section 2 (ii) and 2 (iii) of this Act shall be deemed to have come into force with effect from the 1<sup>st</sup> day of July, 2004.

2. *Amendment of section 11.*— In section 11 of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Act 20 of 2004), in sub-section (1),—

(i) for the words “five hundred rupees” and “rupees fifteen thousand”, the words “seven hundred and fifty rupees” and “rupees twenty five thousand” shall be respectively substituted;

(ii) in the proviso, for the words “ Provided that”, the words “Provided also that” shall be substituted;

(iii) before the existing proviso, the following provisos shall be inserted, namely:—

“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.”.

### Statement of Objects and Reasons

The Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964 (Act 2 of 1965) contained, inter alia, provisions providing for the payment of pension to the members of the First Legislative Assembly, members nominated to the Second Legislative Assembly and the members of the Sixth Legislative Assembly elected from the constituencies of Daman and Diu and who have served as such members for a period which falls short of five years, as having deemed to have completed a term of five years, subject however to the condition that the aforesaid members of the Sixth Legislative Assembly elected from the constituencies of Daman and Diu would not draw pension as long as they serve as Councillors of the Union Territory of Daman and Diu. The said Act 2 of 1965 was amended from time to time and now stands repealed consequent upon enactment of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Act 20 of 2004).

It has been brought to the notice by the Legislature Secretariat that the aforesaid provisions in respect of payment of pension to the Members of the First, Second and Sixth Legislative Assembly and also as regards payment of pension to the Members nominated to the Sixth Legislative Assembly, are required to be incorporated in the new enactment i. e. in the said Act 20 of 2004, so as to enable the Legislature Secretariat to effect payment of the pension of concerned past Members. Also, it is proposed to increase the pension for every successive year of membership of a Member from rupees five hundred to rupees seven hundred and fifty per month and the maximum amount of pension admissible to a Member under sub-section (1) of section 11 of the said Act 20 of 2004 is proposed to be increased from rupees fifteen thousand per month to rupees twenty five thousand per month. The Bill, therefore, seeks to amend section 11 of the said Act 20 of 2004, suitably.

This Bill seeks to achieve the above objects.

### Financial Memorandum

The financial implications on account of the proposed amendment in respect of payment of pension to the members of the First, Second and Sixth Legislative Assembly would be around rupees three lakhs fifty thousand per annum and financial implications on account of proposed amendment to increase the pension admissible to a Member for

every successive year of membership from rupees five hundred to rupees seven hundred and fifty per month and increase maximum amount of pension from rupees fifteen thousand to rupees twenty five thousand per month, would be around rupees twenty six lakhs per annum.

#### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa  
24th August, 2005

DAYANAND G. NARVEKAR  
Minister for Legislative Affairs

Assembly Hall,  
Porvorim-Goa  
24th August, 2005

SUDHIR NARVEKAR  
Secretary to the Legislative  
Assembly of Goa

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#### **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 (Amendment) Bill, 2005, by the Legislative Assembly of Goa.

#### ANNEXURE

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#### **Extract of section 11 of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Act 20 of 2004).**

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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 Swatantra 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.

Assembly Hall,  
Porvorim-Goa  
24th August, 2005

SUDHIR NARVEKAR  
Secretary to the Legislative  
Assembly of Goa