



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA SALARY, ALLOWANCES AND
PENSION OF MEMBERS OF THE LEGISLATIVE
ASSEMBLY (THIRD AMENDMENT)
BILL, 2009**

(Bill No. 16 of 2009)

^{AS}
~~To be~~ introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2009**

**The Goa Salary, Allowances and Pension
of Members of the Legislative Assembly
(Third Amendment) Bill, 2009**

(Bill No. 16 of 2009)

A

BILL

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

BE it enacted by the Legislative Assembly of
the State of Goa in the Sixtieth Year of the Republic
of India as follows:—

10 1. *Short title and commencement.*— (1) This
Act may be called the Goa Salary, Allowances
and Pension of Members of the Legislative
Assembly (Third Amendment) Act, 2009.

(2) It shall be deemed to have come into force
on the 1st day of April, 2009.

15 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”),-

20 (i) in sub-section (1), for the expression
“**seven hundred and fifty rupees**”, the
expression “**one thousand rupees**” shall be
substituted;

(ii) in sub-section (2), for the expression "**Rs. 300/- (Rupees three hundred only)**", the expression "**Rs.750/- (Rupees seven hundred and fifty only)**" shall be substituted.

3. Amendment of section 6.— In section 6 of the principal Act, in sub-section (1), for the letters, figures and word "**Rs. 12 lakhs**", the letters, figures and word "**Rs. 30 lakhs**" shall be substituted.

4. Amendment of section 9.— In section 9 of the principal Act, for the words "**twenty six thousand rupees**", the words "**fifty five thousand rupees**" shall be substituted.

5. Amendment of section 11.— In section 11 of the principal Act, in sub-section (1),-

(i) for the words "**rupees five thousand**", the words "**rupees eight thousand**" shall be substituted;

(ii) for the words "**one thousand rupees**", the words "**one thousand and two hundred fifty rupees**" shall be substituted;

(iii) for the words "**rupees twenty seven thousand**", the words "**rupees fifty thousand**" shall be substituted.

6. Amendment of section 19.— In section 19 of the principal Act, for the expression "**Rs. 18,000/- (Rupees eighteen thousand only)**", the expression "**Rs. 32,000/- (Rupees thirty two thousand only)**" shall be substituted.

Statement of Objects and Reasons.

The State of Goa is a unique State in size as in its population. It is also well known as a touristic spot. The cost of living in the State of Goa is considerably higher compared to neighbouring States and hence, it is proposed to amend 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 "said Act"), so as to increase daily allowance from rupees seven hundred and fifty rupees to rupees one thousand, for each day during any period on duty. Further, the timings of the sittings of the Assembly are now changed to 11.30 a.m. to 7.00 p.m. instead of 2.30 p.m. to 7.00 p.m., the amount payable to a member in lieu of accommodation provided to him is proposed to be increased from rupees three hundred to rupees seven hundred and fifty. The Government is also not in a position to provide suitable accommodations to all the Members of the Legislative Assembly, and hence a provision is made for allowing advance of a sum of Rs. 12 Lakhs as a housing advance, repayable within a maximum period of ten years for construction of a house or a bungalow or for acquiring a flat, under section 6 of the said Act. Considering rise in prices of lands and of construction materials and other items, it is proposed to enhance the housing advance upto Rs. 30 Lakhs by amending said section 6 of the said Act.

As a Member of the Legislative Assembly has to move within his constituency for purpose of listening to grievances of people and also to

examine the work done in his constituency, etc., the sum of constituency allowances under section 9 of the said Act, viz Rs. 26,000/- is not commensurate with travelling expenses incurred thereof considering the level of inflation. Hence, it is proposed to enhance constituency allowance to the tune of Rs. 55,000/- by amending said section 9 of the said Act.

In terms of section 11 of the said Act, a member is entitled to pension of rupees five thousand per mensem for the first year and one thousand rupees per month for every successive year of membership in the Assembly subject to a maximum of rupees twenty seven thousand per month. Due to inflation, it is found necessary and expedient, to enhance the amount of pension to rupees eight thousand for the first year and one thousand and two hundred fifty rupees per month for every successive year of membership in the Assembly subject to a maximum of rupees fifty thousand per month. Accordingly, the Bill seeks to amend section 11 of the said Act.

As per section 19 of the said Act, a Member of the Legislative Assembly is allowed to appoint not more than four persons as personal assistants subject to monitory limit of Rs. 18,000/- per month. In view of implementation of the Sixth Pay Commission, the salary of the Government employees has been considerably enhanced, as per recommendation of the Sixth Pay Commission. Hence, it is proposed to amend section 19 of the said Act to enhance the said amount from Rs. 18,000/- to Rs. 32,000/-.

This Bill seeks to achieve the above objects.

Financial Memorandum

The proposed amendments to sections 3, 6, 9, 11 and 19 of the Act, entail additional financial implication to the tune of Rs. 5,81,00,000/-.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim - Goa
30th July, 2009

DIGAMBAR KAMAT
Chief Minister/Minister for Law,
Judiciary and Legislative Affairs.

Assembly Hall,
Porvorim - Goa.
30th July, 2009

J. N. BRAGANZA
Secretary to the Legislative
Assembly of Goa.

Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, S. S. Sidhu, Governor of Goa, hereby recommend the introduction and consideration of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Third Amendment) Bill, 2009, by the Legislative Assembly of Goa.

ANNEXURE

**Extract of sections 3, 6, 9, 11 and 19 of the Goa
Salary, Allowances and Pension of Members of the
Legislative Assembly Act, 2004
(Act No. 20 of 2004)**

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.

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.

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.

(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.

(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 of his house to the extent of 50% of the limit.

(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.

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

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 one thousand rupees per month for every successive year of his membership in the Assembly subject to a maximum of rupees twenty seven 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 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,-

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 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.

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:

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.

Assembly Hall,
Porvorim - Goa.
30th July, 2009.

J. N. BRAGANZA
Secretary to the Legislative
Assembly of Goa.