



LEGISLATIVE ASSEMBLY OF THE
STATE OF GOA

**The Goa Salary, Allowances and
Pension of Members of the
Legislative Assembly
(Fourth Amendment) Bill, 2012**

(Bill No. 29 of 2012)

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

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM-GOA
AUGUST, 2012**

**The Goa Salary, Allowances and
Pension of Members of the Legislative
Assembly (Fourth Amendment) Bill, 2012**

(Bill No. 29 of 2012)

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BILL

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

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

1. *Short title and commencement.*— (1) This Act
10 may be called the Goa Salary, Allowances and
Pension of Members of the Legislative Assembly
(Fourth Amendment) Act, 2012.

(2) It shall come into force at once.

2. *Amendment of section 3.*— In section 3 of the
15 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), for the expression "five
20 thousand rupees" and "one thousand rupees",
the expression "ten thousand rupees" and "two
thousand rupees" shall be respectively
substituted;

(ii) in sub-section (2), for the expression "Rs.750/- (Rupees seven hundred and fifty only)", the expression "Rs.1,500/- (Rupees one thousand and five hundred only)" shall be substituted.

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3. *Amendment of section 5.*— In section 5 of the principal Act, in sub-section (1), for the expression "Rs. 6 lakhs", wherever it occurs, the expression "rupees fifteen lakhs" shall be substituted.

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

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

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(i) for the expression "rupees eight thousand", the expression "rupees fifteen thousand" shall be substituted;

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

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(iii) for the expression "rupees fifty thousand", the expression "rupees seventy thousand" shall be substituted.

6. *Amendment of section 14.*— In section 14 of the principal Act, in sub-section (1),-

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(i) for the expression "being such as would be admissible", the expression "shall be the maximum amount which would be admissible" shall be substituted;

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(ii) the following proviso shall be inserted, namely:-

"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.";

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(iii) in sub-section (3), for the expression "Rs. 2,500/-", the expression "Rs.6,000/-" shall be substituted.

7. *Amendment of section 15.*— In section 15 of the principal Act, for the expression "two hundred and fifty litres", the expression "three hundred litres" shall be substituted.

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8. *Substitution of section 19.*— For section 19 of the principal Act, the following section shall be substituted, namely:-

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"19. *Staff to Member.*— A member may appoint not more than five persons, viz, one person as a Personal Secretary in the pay scale of Head Clerk and one Lower Division Clerk, one Peon and two Drivers, all carrying the same pay scales as attached to the equivalent posts in the Government. The member may recruit the above staff from the employees who are in service of the Government or the Government Corporations, on deputation, or from outside, whose term shall be co-terminus with the term of a member."

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Statement of Objects and Reasons

As there is inflation and the cost of living in the State of Goa is higher as compared to the neighbouring States, it is proposed to amend section 3 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 salary entitled to a member from five thousand rupees to ten thousand rupees and the daily allowance during his period on duty from one thousand rupees to two thousand rupees. Further, the amount of seven hundred fifty rupees payable to a member on duty in lieu of the accommodation provided to him is increased to one thousand five hundred rupees. Also, it is proposed to amend section 11 of the said Act, so as to increase the pension payable to a member for the first year from eight thousand rupees to fifteen thousand rupees and every successive year of his membership from one thousand and two hundred fifty rupees to two thousand, subject to a maximum of seventy thousand rupees.

As the cost of a good vehicle is considerably increased, it is proposed to also increase repayable motor car allowance admissible to a member under section 5 of the said Act from six lakhs rupees to fifteen lakhs rupees, by amending section 5 of the said Act.

As a member has to move throughout in his constituency to ensure its overall development and to meet his constituency people, it is proposed to increase the constituency allowance payable

under section 9 of the said Act from fifty five thousand rupees to ninety thousand rupees, by amending section 9 of the said Act, so as to meet his travelling expenses thereof.

It is also proposed to amend section 14 of the said Act, so as to allow a member to draw travelling allowance at the maximum amount which would be admissible in respect of journeys on tour to a Group 'A' officer of the Central Government, when attending to any official business connected with his duty as a member outside the State. Further it is also proposed to entitle him a travelling allowance at the rate of maximum amount admissible in respect of journey on tour to Group 'A' officials, made either by air or railways, from his usual place of residence to Delhi or any other place in India and for return journey not more than twice a year. It is also proposed to increase the daily amount admissible to a member while travelling outside the State either in capacity of committee member or in any other official capacity from two thousand five hundred rupees per day to six thousand rupees per day, in lieu of accommodation/stay during travels.

The Bill also seeks to amend section 15 of the said Act, so as to increase the quota of a petrol/diesel admissible to a member per month for the use of his personal vehicle from 250 litres to 300 litres.

The Bill also seeks to amend section 19 of the said Act, so as to enable a member to appoint not more than five persons, viz, one Personal

Secretary in the pay scale of Head Clerk, one Lower Division Clerk, two drivers and one peon all carrying the same pay scales as attached to the equivalent posts in the Government. A member may take the services of existing employees of the Government on deputation or may engage outside persons whose term will be co-terminus with the term of a member.

This Bill seeks to achieve the above objects.

Financial Memorandum

The total financial implications on account of the amendment to sections 3,5,9,11,14,15, and 19 proposed in the Bill, would be to the tune of Rs. Six crores, per annum.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa, MANOHAR PARRIKAR
6th August, 2012. Chief Minister/Minister for Law,
Judiciary and Legislative Affairs.

Assembly Hall, N. B. Subhedar
Porvorim-Goa, Secretary to the
6th August, 2012. 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, Bharat Vir Wanchoo, Governor of Goa, hereby recommend the introduction and consideration of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Fourth Amendment) Bill, 2012, by the Legislative Assembly of Goa.

ANNEXURE

**Extract of sections 3, 5, 9, 11, 14, 15 and 19 of
the Goa Salary, Allowances and Pension of the
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 one 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. 750/- (Rupees Seven hundred and fifty only), for each day on duty in lieu of the accommodation provided under section 13.

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:

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.

(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 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.

(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.

(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.

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 fifty five 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 eight thousand per mensem for the first year and one thousand and two hundred fifty rupees per month for every successive year of his membership in the Assembly subject to a

maximum of rupees fifty 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.

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.

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

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.

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. 32,000/- (Rupees Thirty two 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. 32,000/- (Rupees Thirty two 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,
6th August, 2012.

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