

The Members Of Legislative Assembly Of The National Capital Territory of Delhi
(Salaries, Allowances, Pension, etc.) Act, 1994

**THE MEMBERS OF LEGISLATIVE ASSEMBLY OF THE
NATIONAL CAPITAL TERRITORY OF DELHI (SALARIES,
ALLOWANCES, PENSION, ETC.) ACT, 1994
(ACT NO. 6 OF 1995)**

[19th December, 1995]

AN

ACT

*To provide for salaries, allowances, pension etc.
of Members of Legislative Assembly of the
National Capital Territory of Delhi.*

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Forty-fifth year of the Republic of India as follows: –

1. Short title, and commencement.— (1) This Act may be called the Member of Legislative Assembly of the National Capital Territory of Delhi (Salaries, Allowances, Pension etc.) Act, 1994.

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

(a) “Committee” means Committee of the Legislative Assembly;

(b) “Controlling Officer” means the Secretary;

(c) “Day” means a period of twenty-four hours beginning at midnight;

(d) “Family” means the wife, or husband of a Member, if such wife or husband is residing with such Member and includes legitimate children or step children and parents residing with and wholly dependent on such Member but does not include in the case of a male Member, more than one wife;

(e) “Government” means the Government of the National Capital Territory of Delhi;

(f) “Member” means a member of the Legislative Assembly but, save as otherwise expressly provided in this Act, does not includes—

(i) a Minister as defined in the Minister of the Government of the National Capital Territory of Delhi (Salaries and Allowances) Act, 1994; ²[*
* *]

³[“(ii) the leader of opposition as defined in the Leader of the Opposition in the Legislative Assembly of National Capital Territory of Delhi (Salary and Allowances) Act, 2001”];]

⁴[(iii)] The Speaker or Deputy Speaker as defined in the Speaker and Deputy Speaker of the Legislative Assembly of Delhi (Salaries and Allowances) Act, 1994;

⁵[“(iv) The Chief Whip as defined in the Salary and Allowances of the ¹14th march, 1996, sec. Notification No F, 13(6)/95-LA, Delhi Gazette extraordinary, Part IV Page 4, dated 14th march, 1996.

²”and” omitted by sec. 8(a) (a) of Delhi Act, 6 of 2002.

³Ins. by sec. 8(a) (b) of Delhi Act, 6 of 2002.

⁴Renumbered as (iii) by se. 8 (a)(b) of Delhi Act, 6 of 2002.

⁵Ins. by sec. 8 (i)(b) of Delhi Act, 5 of 2003.

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Chief Whip in the Legislative Assembly of the National Capital Territory of Delhi Act, 2003”].

(g) “New Member” means a Member who takes his seat in the Legislative Assembly after the commencement of this Act and includes a member who is reelected;

(h) “Pensioner” means a person who is eligible to receive pension under this Act;

(i) “Secretary” means the Secretary to the Legislative Assembly;

(j) “Term of Office” in relation to a Member means—

(i) where such member is a Member elected in a general election held for the purpose of constituting a new Legislative Assembly, the period beginning with the date of publication of the notification of the Election Commission under section 73 of the Representation of the People Act, 1951 (43 of 1951); or

(ii) where such member is a Member elected in a bye-election to the Legislative Assembly, the period beginning with the date of this election referred to in section 67A of the Representation of the People Act, 1951 (43 of 1951) and ending with, in each such case the date on which his seat becomes vacant.

1[“3. Salary, Daily Allowances, etc.— (1) A member shall be entitled to receive salary at the rate of ²[twelve] thousand rupees per month during his term of office and shall also be entitled to receive daily allowance at the rate of ³[one thousand rupees for each day, subject to maximum up to forty days] on which he attends a meeting of the Legislative Assembly or any Committee thereof or is engaged in any other business connected with his duties as a Member.

(2) There shall be paid to each Member a constituency allowance of ⁴[eighteen] thousand rupees per mensem.

(3) There shall be paid to each Member a conveyance allowance of ⁵[six] thousand rupees per mensem.

(4) There shall be paid to each Member as secretarial assistance of ⁶[ten thousand rupees per mensem]

⁷[* * * * *]

4. Travelling Allowance.— In respect of every journey performed by a Member to a place outside Delhi on any business connected with his duties as a Member, he shall be entitled to travelling allowance at the rate applicable to Group ‘A’ officers ⁸[of the highest of grade] serving in connection with the Government.

¹Subs. by sec. 2 of Delhi Act 8 of 1998.

²Subs. by sec. 2 (a) (i) of Delhi Act 10 of 2011.

³Subs. by sec. 2 (a) (ii) of Delhi Act 10 of 2011 for the words “five hundred rupees for each day”.

⁴Subs. by sec. 2 (b) of Delhi Act 10 of 2011 for the word “eight”.

⁵Subs. by sec.2 (c) of Delhi Act 10 of 2011 for the words “four”.

⁶Subs. by sec. 2 (a) of Delhi Act 3 of 2007 for the words “seven thousand”.

⁷Proviso omitted by sec. 2(d) of Delhi Act 10 of 2011.

⁸Ins. by sec. 3 of Delhi Act 3 of 2002

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1[“5. Medical Facilities.— A Member and members of his family shall be entitled to free medical treatment and or reimbursement and free accommodation for the Member and members of his family, in hospitals run by the Government and all other panel or referral hospitals empanelled or declared as such by the Government, in

accordance with the Medical Attendance Rules and the Delhi Government Employees Health Scheme as amended from time to time on priority basis as available to Group 'A' officers of the highest grade of the Government:

Provided that a compulsory monthly contribution shall be levied from every Member at the same rate as would be payable by a Group-A officer of the highest grade of the Government and such contribution shall be recoverable from the Monthly Salary Bill of the Member.”]

2[6. Telephone Facilities.— A Member shall be entitled to the installation at government cost of one telephone (without STD facility) within Delhi at his residence or the place where he ordinarily conducts his work relating to Legislative Assembly and shall be paid ³[eight] thousand rupees per month to meet the cost of telephone charges that may be incurred by him as admissible to group “A” officers of the Government.

4[“6A. Travelling facilities.— A Member shall be entitled to the reimbursement of actual expenditure annually up to maximum of ⁵[fifty] thousand rupees on travel within India for self and members of the family.”]

7. ⁶[* * * * *

7[“8. Conveyance advance.— ⁸[“(1) A Member shall be entitled to a conveyance advance upto four lakh rupees for the purchase of conveyance which shall be repayable within his term.”]

(2) The rate of interest for the advance referred to in sub-section (1) and the mode of recovery and interest thereon shall be such as may be prescribed by the Government, with the prior approval of the President”.]

9[“8A. 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 ¹⁰[four] thousand rupees per month.”

9. Pension.— ¹¹[“(1) Every ex-Member who has served as Member either of the Legislative Assembly of National Capital Territory of Delhi or Member of the erstwhile Metropolitan Council of Delhi or of the erstwhile Delhi State Legislative Assembly, as the case may be, shall be entitled for pension of seven thousand five hundred rupees per mensem for the first term of his membership and an additional pension of one thousand rupees for every successive year of ¹Subs. by sec. 3 of Delhi Act 10 of 2011.

²Subs. by s. 3 of Delhi Act 8 of 1998.

³Subs. by sec. 4 of Delhi Act 10 of 2011 for the words “four”.

⁴Subs. by sec. 5 of Delhi Act 3 of 2002 for the words “thirty-five”.

⁵Subs. by sec. 5 of Delhi Act 10 of 2011 for the words “thirty five”.

⁶Omitted by Delhi Act 2 of 1996.

⁷Subs. by sec. of Delhi Act 8 of 1998.

⁸Subs. by sec. 6 of Delhi Act 10 of 2011.

⁹Ins. by sec. 6 of Delhi Act 3 of 2007.

¹⁰Subs. by sec. 7 of Delhi Act 10 of 2011 for the word “two”.

¹¹Subs. by sec. 8 of Delhi Act 10 of 2011.

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his membership beyond the first term.

(1A) After the death of a member during his term of office or an ex-Member (including ex-Member of erstwhile Metropolitan Council of Delhi and ex-Member of

erstwhile Delhi State Legislative Assembly), pension shall be paid to his spouse, if any, during the remaining period of life of such spouse or until he/she does not re-marry and after his/her death to the dependent of such member or ex-member so long as such dependent continues to be a dependent: Provided that family pension shall be equivalent to one-half of the pension which such member or ex-member would have received had he retired or as the case may be, at the date of his death:

Provided further that no such family pension shall be payable to the spouse or dependent if such spouse dependent is a sitting member of the Legislative Assembly of National Capital Territory of Delhi or is drawing pension under section 9:

Provided also that no person shall be entitled to claim arrears of any family pension under this sub-section in respect of a period before the commencement of the Members of Legislative Assembly of the National Capital Territory of Delhi (Salaries, Allowances, Pension, etc) (Amendment) Act, 2011.

Explanation.— for the purpose of this sub-section, dependent means any of the following relatives of a deceased member, namely:—

(i) a minor legitimate son, and an unmarried legitimate daughter and a widowed mother; or

(ii) If wholly dependent on the earnings of the member at the time of his death, a son or a daughter who has attained the age of eighteen years and who is infirm; or

(iii) If wholly or in part dependent on the earnings of the member at the time of his death,—

(a) the parent; or

(b) a minor brother or an unmarried sister; or

(c) a widowed daughter-in-law; or

(d) a minor child of a pre-deceased son; or

(e) a minor child of a pre-deceased daughter where no parent of the child is alive; or

(f) the paternal grandparent if no parent of the member is alive”.

(1B) The Delhi Member of Metropolitan Council (Enhancement of Pension) Act, 2000 (Delhi Act No. 4 of 2000) shall stand repealed and other provisions governing payment of pension to the ex-Members of erstwhile Metropolitan Council of Delhi and the ex-Members of the erstwhile Delhi State Legislative Assembly shall also cease to have effect.”

(2) Where any ex-Member entitled to pension under sub-section (1)— (i) Is appointed to the office of the President or Vice President of India or is appointed to the Office of the Governor of any State or the Lt. Governor or Administrator of any Union Territory;

(ii) Becomes a Member of the Council of States or the House of the People or of 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 Corporation owned by or controlled by the Central Government or any State

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Government or any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authorities, as the case may be, shall not be entitled to any pension under sub-clause (1) for the period during which he continues to hold such office or as such Member or is employed, or continues to be

entitled to such remuneration :

Provided that where the salary payable to such ex-Member for holding such office or being such Member or so employed, or where the remuneration referred to in clause (iii) payable to such ex-Member is, in either cases, less than a pension payable to him under sub-section (1) such ex-Member shall be entitled only to receive the balance as pension under that sub-section.

¹[(“(3) Where any person entitled to pension under sub-section (1) Is also entitled to any other pension including pension known as Swatantrata Sainik Samman pension or by any other name), such person shall be entitled to receive the pension under sub-section (1) in addition to such other pension.”]

(4) 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 Ministers of the Government of National Capital Territory of Delhi (Salaries and Allowances) Act, 1994 or as Speaker or Deputy Speaker as defined in the Speaker and Deputy Speaker of the Legislative Assembly of the National Capital Territory of Delhi (Salaries and Allowances) Act, 1994 ²[(“or as the Leader of Opposition as defined in the Legislative Assembly of the National Capital Territory of Delhi (salary and Allowances) Act, 2001, or has served in all or any of such capacities”)] by virtue of his membership in the Legislative Assembly shall also be taken into account.

10. Repeal.— The Members of Legislative Assembly of the National Capital Territory of Delhi (Salaries, Allowances and Pension) Order, 1993 shall cease to have effect as from the date of the enforcement of this Act.

¹[**11 “Power to make rules.**— (1) The Government may by notification in the official Gazette make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made before the Legislative Assembly of Delhi while it is in session which may be comprised in one session or in two successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule”.]

¹Subs. by sec. 2 of Delhi Act 8 of 2009.

²Subs. by sec. 8 (b) of Delhi Act 6 of 2002.

³Ins. by sec. 4 of Delhi Act 2 of 1996.