

**THE MEMBERS OF LEGISLATIVE ASSEMBLY OF THE NATIONAL
CAPITAL TERRITORY OF DELHI (SALARIES, ALLOWANCES, PENSION,
ETC.) (AMENDMENT) BILL, 2011**

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BILL

further to amend the Members of Legislative Assembly of the National Capital Territory of Delhi (Salaries, Allowances, Pension, etc.) Act, 1994

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Sixty-second Year of the Republic of India as follows:-

1. **Short title and commencement.** - (1) This Act may be called the Members of Legislative Assembly of the National Capital Territory of Delhi (Salaries, Allowances, Pensions, etc) (Amendment) Act, 2011.

(2) It shall come into force on such date as the Lieutenant Governor may, by notification in the official Gazette, appoint.

2. **Amendment of section 3.** - In the Members of Legislative Assembly of the National Capital Territory of Delhi (Salaries, Allowances, Pension, etc.) Act, 1994 (Delhi Act 6 of 1995) (hereinafter referred to as "the principal Act"), in section 3 -

- (a) in sub-section (1) -
 - (i) for the word "six" occurring after the words "salary at the rate of" and before the word "thousand", the words "twelve" shall be substituted;
 - (ii) for the words "five hundred rupees for each day" occurring after the words "daily allowance at the rate of" and before the words "on which", the words "one thousand rupees for each day, subject to maximum upto forty days", shall be substituted;
- (b) in sub-section (2), for the word "eight", the word "eighteen" shall be substituted;
- (c) in sub-section (3), for the word "four", the word "six" shall be substituted;
- (d) the proviso, shall be omitted.

3. **Substitution of new section for section 5.** - In the principal Act, for section 5, the following section shall be substituted, namely :-

"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."

4. **Amendment of section 6.** - In the principal Act, in section 6, for the word "four", the word "eight" shall be substituted.

5. **Amendment of section 6A.**- In the principal Act, in section 6A, for the words "thirty-five" the word "fifty" shall be substituted.

6. **Amendment of section 8.**- In the principal Act, in section 8, for sub-section (1), the following sub-section shall be substituted, namely: -

" (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."

7. **Amendment of section 8A.**- In the principal Act, in section 8A for the word "two", the word "four" shall be substituted.

8. Amendment of section 9.- In the principal Act, in section 9, for sub-section (1), the following sub-sections shall be substituted, namely: -

“(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 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 or 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 Members 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.”

STATEMENT OF OBJECTS AND REASONS

For quite some time past persistent demand has been made by Members of Legislative Assembly of NCT of Delhi (MLAs) for increasing their salaries, allowances, pension and other facilities on the ground that the salaries, allowances, etc. being paid to them at present are grossly inadequate and that due to inflation and high cost of living in Delhi they have been facing great financial hardship in the performance of their functions as elected representatives of the people of Delhi. Demand is also made by them for enhancing pension and providing family pension, medical facilities and travelling facilities to Ex-Members of the Legislative Assembly of NCT of Delhi. Ex-Members of the Metropolitan Council of Delhi have also represented for increasing their pension and providing family pension and medical and travelling facilities to them at par with these benefits as payable to the Ex-Members of the Legislative Assembly of NCT of Delhi.

2. Taking into consideration the pressure of demand, both in and out of the House of the Legislative Assembly, a Motion moved by the Hon'ble Chief Minister for examination of facilities being given to MLAs in the neighbouring States was passed unanimously and a House Committee under the Chairmanship of Shri Kanwar Karan Singh, MLA was constituted by Hon'ble Speaker of the Assembly for this purpose. The House Committee after deliberating on the issues has made recommendations for increasing the salaries and allowances, etc. of MLAs by adopting the features of facilities and allowances etc. of the Goa and Punjab Assemblies. The Committee further recommended for increasing the pension and providing medical and travelling facilities to Ex-MLAs and also increasing the pension of the Ex-Members of the erstwhile Metropolitan Council of Delhi and Members of erstwhile Delhi State Legislative Assembly and providing medical and travelling facilities to them.

3. The salaries and allowances, etc. of the Members of Legislative Assembly of National Capital Territory of Delhi (Salaries, Allowances, Pension, etc.) Act, 1994 and to repeal the Delhi Members of Metropolitan Council (Enhancement of Pension) Act, 2000 governing the payment of pension to the Ex-Metropolitan Councilors and provisions governing payment of pension to the Ex-Members of the erstwhile Delhi State Legislative Assembly. Payment of the enhanced pension and provisions of medical and travelling facilities to them is proposed to be the same as provided to the Ex-MLAs of NCT of Delhi.

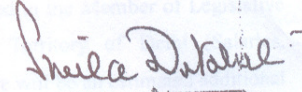
4. It is proposed that the salaries, allowances and other facilities may be increased or provided in respect of MLAs, Ex-Metropolitan Councillors and Ex-Members of the erstwhile Delhi State Legislative Assembly as under:-

S. No	Item	Existing	Proposed
1.	2.	3.	4.
1.	Salary	Rs.6,000 pm	Rs. 12, 000/- p.m.
2.	Daily Allowance	Rs.500 per day	Rs.1000 per day (subject to maximum up to 40 days)
3.	Constituency Allowance	Rs.8000/- pm	Rs.18000/- pm
4.	Conveyance Allowance	Rs.4000/- pm	Rs. 6000/- pm.
5.	Medical Facilities	Free of charge accommodation in hospitals maintained by the Government and also to medical treatment.	Free medical treatment and reimbursement and/or free accommodation in all 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 DGEHS 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 MLA at the same rate as would be payable by a Group-A officer of the highest grade of the Government which shall be recoverable from the monthly salary bill of the MLA
6.	Telephone Facilities	Rs. 4000/- pm to meet the cost of telephone call charges	Rs. 8000/- pm to meet the cost of telephone call charges
7.	Travelling Facilities	Reimbursement of actual expenditure annually	Reimbursement of actual expenditure

		upto maximum of Rs. 35000/- on a travel within India for self and members of the family.	annually upto maximum of Rs. 50000/- on a travel within India for self and members of the family.
8.	Conveyance Advance	Rs. 4,00,000/- (One time repayable Conveyance Advance during whole term)	Upto Rs. 4,00,000/- (repayable within of his term)
9.	Electricity & Water Facility	Reimbursement of the monthly electricity and water consumption charges subject to a maximum of Rs. 2000 pm.	Reimbursement of the monthly electricity and water consumption charges subject to a maximum of Rs. 4000 pm.
10.	Pension	Rs. 1500 per month upto two years but less than four years, Rs. 3000 pm after four years but less than five years and Rs. 5000 pm after completing five years. For period served after five years, 2 additional pension of Rs. 500 pm for every year or part thereof, exceeding six months, in excess of five years subject to a maximum of Rs. 10000 per month.	Every ex-Member who has served as Member either of the Legislative Assembly of NCT 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 Rs. 7500/- pm for the first term of his membership and an additional pension of Rs. 1000 pm for every successive year of his membership beyond the first term.
11.	Family Pension	Nil	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 or dependent is a sitting member of the Legislative Assembly of National Capital Territory of Delhi or is drawing pension under section 9.

5. To implement the above proposals, necessary amendments are required in sections 3, 6A, 6, 8, 8A and 9 and substitution of new section for section 5 in the Member of Legislative Assembly of National Capital Territory of Delhi (Salaries, Allowances, Pension, etc.) Act, 1994.

6. The Bill seeks to achieve the aforesaid objectives.



(SHEILA DIKSHIT)
CHIEF MINISTER
GOVT. OF NCT OF DELHI

New Delhi
Dated:

FINANCIAL MEMORANDUM

For the implementation of the proposals contained in the Member of Legislative Assembly of the Government of National Capital Territory of Delhi (Salaries, Allowances, Pension, etc.) (Amendment) Bill, 2011, there will be an estimated additional annual recurring expenditure of Rs. 867.00 lakh from the Consolidated Fund of the National Capital Territory of Delhi as per statement enclosed.

MEMORANDUM REGARDING DELGATED LEGISLATION

The Member of Legislative Assembly of the National Capital Territory of Delhi (Salaries, Allowances, Pension, etc.) Bill, 2011 does not seek to confer power of legislation on any subordinate functionaries.