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PART--IV-- Bills introduced in the Tripura Legislative Assembly : Report of Selection Committees presented or to be presented to the Assembly; and Bills published before introduction in that Assembly.

**TRIPURA LEGISLATIVE ASSEMBLY
SECRETARIAT**


NEW CAPITAL COMPLEX
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No.F.7(12-30)-LA/2022/1869

Dated, Agartala the 22nd March, 2022.

NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “**The Salaries, Allowances, Pension and other Benefits of the Ministers, Speaker, Deputy Speaker, Leader of Opposition, Government Chief Whip and the Members of the Legislative Assembly (Tripura) (Seventh Amendment) Bill, 2022 (The Tripura Bill No. 4 of 2022)** ” as introduced in the Assembly on the **21st March, 2022** to be published in the Tripura Gazette.”


(B.P. Karmakar)
Secretary
Tripura Legislative Assembly

The Tripura Bill No.4 of 2022

The Salaries, Allowances, Pension and other Benefits of the Ministers, Speaker, Deputy Speaker, Leader of opposition, Government Chief Whip and the Members of the Legislative Assembly (Tripura) (Seventh Amendment) Bill, 2022

**A
BILL**

to further amend the Salaries, Allowances, Pension and other Benefits of the Ministers, Speaker, Deputy Speaker, Leader of opposition, Government Chief Whip and the Members of the Legislative Assembly (Tripura) Act, 2008 (The Tripura Act No.4 of 2008).

WHEREAS, it is felt to amend the Salaries, Allowances, Pension and other Benefits of the Ministers, Speaker, Deputy Speaker, Leader of opposition, Government Chief Whip and the Members of the Legislative Assembly (Tripura) Act, 2008 (hereinafter referred to as the Principal Act);

BE it enacted by the Tripura Legislative Assembly in the Seventy Fourth year of the Republic of India as follows-

1. Short title and commencement :-

- (i). This may be called "The Salaries, Allowances, Pension and other Benefits of the Ministers, Speaker, Deputy Speaker, Leader of opposition, Government Chief Whip and the Members of the Legislative Assembly (Tripura) (Seventh Amendment) Bill, 2022";
- (ii). It shall come into force on the date of its publication in the Tripura Gazette.

2. Amendment of the sub-section (1) of Section 17 :-

- (i). In sub-section (1) of Section 17 of the Principal Act, the expression "any period" shall be substituted with the expression "a period of not less than four years and six months whether continuous or not".
- (ii). After the proviso, the following new proviso shall be added-
"Provided further that, if a member dies during the service, his or her legal heirs shall be entitled to family pension, under Section 18, irrespective of the period has he served as a member."

3. Repeal and Savings :-

- (i). The Salaries, Allowances, Pension and other Benefits of the Ministers, Speaker, Deputy Speaker, Leader of opposition, Government Chief Whip and the Members of the Legislative Assembly (Tripura) (Seventh Amendment) Ordinance, 2021 (The Tripura Ordinance No.2 of 2021) is hereby repealed;
- (ii). Notwithstanding such repeal, anything done or any action taken or any order made or any notification issued under the Ordinance so repealed, shall be deemed to have been done or taken or made issued under the corresponding provisions of this Act.

Statement of Objects and Reasons

1. The Salaries, Allowances, Pension and Salaries, Allowances, Pension and other Benefits of the Ministers, Speaker, Deputy Speaker, Leader of opposition, Government Chief Whip and the Members of the Legislative Assembly (Tripura) Act, 2008 was last amended by its sixth Amendment Act, 2020. So this will be the Seventh amendment of the Act.
2. In the Fifth Amendment Act, brought into force on 23rd September, 2019, along with the amendments of several other provisions, sub-section (1) of Section 17 was also amended, by which the expression “a period of not less than four years whether continuous or not” was substituted with the expression “any period”. By such amendment, a member was made entitled to pension for whatever period he serves as such member.
3. Now it is felt expedient to amend the said provision again, since it appears that the provision may create additional financial involvement on the state exchequer. So it is provided to make it for a period of not less than four years and six months, whether continuous or not. However, such amendment will not impact the family pension of a member if he dies while in service.
4. Since the Tripura Legislative Assembly was not in session and on the advice of the Council of Ministers, the Hon’ble Governor was satisfied that circumstances exists which render it necessary for him to take immediate action, the Salaries, Allowances, Pension and other Benefits of the Ministers, Speaker, Deputy Speaker, Leader of opposition, Government Chief Whip and the Members of the Legislative Assembly (Tripura) (Seventh Amendment) Ordinance, 2021 (The Tripura Ordinance No.2 of 2021) was promulgated on 3rd November, 2021, in exercise of the power conferred under Article 213 (1) of the Constitution of India.

The Bill seeks to replace the said Ordinance.

[Minister-in-Charge, Law (PA)]

Technical Report

The subject matter of the Salaries, Allowances, Pension and other Benefits of the Ministers, Speaker, Deputy Speaker, Leader of opposition, Government Chief Whip and the Members of the Legislative Assembly (Tripura) (Seventh Amendment) Bill, 2022 is relatable to **Entry 38 of the State List (List-II)** of the Seventh Schedule of the Constitution of India and therefore, the State Legislature is competent to make a Law on this subject. The provisions of the Bill are not repugnant to any provision of any existing Central Act or the Constitution of India.

2. This is not a Money Bill within the meaning of Article 199(1), of the Constitution of India and as such recommendation of the Governor, according to Article 207(1) of the Constitution of India, is not required to introduce or move the Bill. It will not involve any additional expenditure from the Consolidated Fund of the State, if enacted and brought into operation and as such prior recommendation of the Governor, under clause (3) of Article 207 of the Constitution of India, is not required for consideration of the Bill. The Bill does not attract the proviso to clause (b) of Article 304 of the Constitution of India and therefore previous sanction of the President of India is not required for introduction or moving of the Bill in the State Legislature.
3. This is a Bill to replace The Salaries, Allowances, Pension and other Benefits of the Ministers, Speaker, Deputy Speaker, Leader of opposition, Government Chief Whip and the Members of the Legislative Assembly (Tripura) (Seventh Amendment) Ordinance, 2021 (The Tripura Ordinance No.2 of 2021) which was promulgated on 3rd November, 2021.

(Biswajit Palit)
LR & Secretary, Law (PA)
Government of Tripura

Financial Memorandum

The Salaries, Allowances, Pension and other Benefits of the Ministers, Speaker, Deputy Speaker, Leader of opposition, Government Chief Whip and the Members of the Legislative Assembly (Tripura) (Seventh Amendment) Bill, 2022, if enacted and brought into force shall not involve any additional expenditure from the Consolidated Fund of the State.

(Biswajit Palit)
LR & Secretary, Law (PA)
Government of Tripura