



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA SALARY, ALLOWANCES AND  
PENSION OF MEMBERS OF THE  
LEGISLATIVE ASSEMBLY  
(AMENDMENT) BILL, 2008**

( Bill No. 9 of 2008 )

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

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**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM, GOA  
MARCH, 2008.**

**THE GOA SALARY, ALLOWANCES AND PENSION  
OF MEMBERS OF THE LEGISLATIVE ASSEMBLY  
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BILL

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

5 BE it enacted by the Legislative Assembly of the State of Goa in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1)

10 This Act may be called the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Act, 2008.

15 (2) It shall come into force at once, except sections 5 and 6 which shall be deemed to have come into force with effect from the 27<sup>th</sup> day of August, 2007.

20 2. *Omission of section 4.*— Section 4 of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Act 20 of 2004) (hereinafter referred to as the “principal Act”), shall be omitted.

3. *Amendment of section 9.*— In section 9 of the principal Act, for the words “eight thousand rupees”, the words “twenty six thousand rupees” shall be substituted.

4. *Omission of section 10.*— Section 10 of the principal Act shall be omitted.

5. *Amendment of section 11.*— In section 11 of the principal Act, in sub-section (1), in the  
5 fourth proviso, for the expression "**male children of the person as aforesaid till they attain the age of 18 years**", the expression "**dependent family members of the person as aforesaid till they attain the age of 25 years**" shall be substituted.

10 6. *Amendment of section 17.*— In section 17 of the principal Act, for the words "**his wife**", the words "**his immediate dependent family members**" shall be substituted.

15 7. *Omission of section 18.*— Section 18 of the principal Act shall be omitted.

20 8. *Insertion of new section 20A.*— After section 20 of the principal Act, the following new section shall be inserted, namely:—

25 "**20A. Computer to the ex-members.**— Every person who is not a sitting member but has served for any period as a member shall, once during his lifetime, be provided with, either  
a lap top or a desktop computer, as per the choice of the ex-member concerned, and the total cost whereof which shall be borne by the  
Legislature Secretariat shall not exceed Rs. 50,000/- (Rupees fifty thousand only)."

30 9. *Omission of section 21.*— Section 21 of the principal Act shall be omitted.

35 10. *Amendment of section 23.*— In section 23 of the principal Act, for the figures and word "19, 21 and 22", the figures and word "19 and 22" shall be substituted.

11. *Repeal and saving.*— (1) The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Ordinance, 2007 (Ordinance No. 3 of 2007), is hereby repealed.

- 5           (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act was in force on the day on which such thing or action was done or taken.

## Statement of Objects and Reasons

The Bill seeks to amend the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Act 20 of 2004) so as to omit sections 4, 10, 18 and 21 thereof in view of certain difficulties faced by the Members in respect of the allowances admissible under the said sections and accordingly amend section 9 thereof so as to merge the allowances admissible under the aforesaid sections in said section 9. Amendment to section 23 of the Act is consequential in nature.

The Bill also seeks to amend the fourth proviso to sub-section (1) of section 11 of the Act, 2004, so as to provide that the pension shall be payable to the dependent family members after the death of the member and the death of his/her widow/widower, till they attain the age of 25 years. Further, the Bill seeks to amend section 17 of the said Act, 2004, so as to provide that immediate dependent family members of ex-member of Legislative Assembly shall also be entitled for medical treatment.

Further, it is also proposed to insert a new section 20A in the Act, 2004, so as to entitle ex-member for either a lap top or a desktop computer, once during his lifetime, the cost whereof to be borne by the Legislature Secretariat to the maximum extent of Rs. 50,000/- (Rupees fifty thousand only).

The Bill also seeks to repeal the Goa Salary, Allowances and Pension of Members of the

Legislative Assembly (Amendment) Ordinance, 2007 (Ordinance No. 3 of 2007), promulgated by the Governor of Goa on 27-08-2007.

This Bill seeks to achieve the above objects.

### **Financial Memorandum**

The proposed omission of sections 4, 10, 18 and 21 and amendment of section 9 of the Act do not entail any additional financial implications as the allowances available under the said sections are presently drawn by the Members.

Clause 5 of the Bill provides that the pension shall be payable to the dependent family members of a member of the Legislative Assembly after the death of the member and the death of his/her widow/widower, till they attain the age of 25 years. Further, clause 6 of the Bill provides that immediate dependent family members of ex-members of the Legislative Assembly shall also be entitled to medical treatment.

Clause 8 of the Bill provides for supply of computer, either lap top or desktop, to the ex-member of the Legislative Assembly, the cost whereof is to be borne by the Legislature Secretariat to the maximum extent of Rs. 50,000/- (Rupees fifty thousand only).

The Bill, after enactment, will have financial burden on the exchequer which cannot be quantified at this stage.

**Memorandum Regarding Delegated  
Legislation**

No delegated legislation is involved in  
this Bill.

Porvorim, Goa  
24<sup>th</sup> March, 2008

DAYANAND G. NARVEKAR  
Minister for Law, Judiciary and  
Legislative Affairs.

Assembly Hall,  
Porvorim, Goa  
24<sup>th</sup> March, 2008

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.

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**Governor's Recommendation under Article  
207 of the Constitution**

In pursuance of Article 207 of the Constitution of India, I, S. C. Jamir, Governor of Goa, hereby recommend the introduction and consideration of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 2008, by the Legislative Assembly of Goa.

ANNEXURE

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**Extract of sections 4, 9, 10, 11, 17, 18, 21 and  
23 of the Goa Salary, Allowances and Pension  
of Members of the Legislative Assembly  
Act, 2004 (Act 20 of 2004)**

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**Section 4**

4. *Consolidated allowance.*— A member shall, during his term of office, be entitled to receive a consolidated allowance at the rate of five thousand rupees per month to cover conveyance, postage, stationery and constituency expenses.

**Section 9**

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

**Section 10**

10. *Constituency office allowance.*— A member using a premises in his constituency for the purpose of his office shall be entitled for an allowance of rupees four thousand per month.

**Section 11**

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 served 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 male children of the person as aforesaid till they attain the age of 18 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.

## **Section 17**

17. *Medical treatment to ex-members.*— Every person who is not a sitting member but has served for any period as a member, and his wife, shall be entitled, free of charge, to accommodation in hospitals maintained by the Government and also to medical treatment as prescribed and the medical bills shall be submitted to the Speaker or to the panel referred to in sub-section (2) of section 16, as the case may be, for sanction, in the manner prescribed.

### Section 18

18. *Telephone facilities.*— Where telephone facilities are available at the place declared by a member to be his head-quarters, he shall be entitled to have a telephone at his residence, or at the place where he ordinarily conducts his work relating to the Assembly subject to the condition that he shall meet the cost of the installation of such telephone in full and that, in regard to the recurring charges, he shall be entitled to telephone allowance of Rs. 5000/- per month.

### Section 21

21. *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 Rs. 4,000/- (Rupees four thousand only) per month.

### Section 23

23. *Certain sections not to apply to Chief Minister, Minister, etc.*— The provisions of sections 3, 13, 14, 19, 21 and 22 of this Act shall not be applicable to a member who is appointed as the Chief Minister, a Minister, a Minister of State, a Deputy Minister, or elected as the Speaker or Deputy Speaker.

Assembly Hall,  
Porvorim, Goa  
24<sup>th</sup> March, 2008

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.