

THE UTTAR PRADESH STATE LEGISLATURE (MEMBERS' EMOLUMENTS AND PENSION)
ACT, 1980

ARRANGEMENT OF SECTIONS

CHAPTER I

Preliminary

SECTIONS

1. Short title and commencements.
2. Definitions.

CHAPTER II

Salary and Constituency Allowance

3. Salary.
4. Constituency Allowance.

CHAPTER III

Travel Facility

5. Railway Coupons.
6. Omitted.
7. Journey with companion.
8. Omitted.
9. Journey by Ministers, Speaker etc.
10. Validity of Railway Coupons.
11. Omitted.
12. Omitted.
13. Journey by Bus.

CHAPTER IV

INCIDENTAL CHARGES AND DAILY ALLOWANCE

14. Incidental Charges.
15. Daily Allowance.

CHAPTER IV-A

SECRETARIAL ALLOWANCE

- 15A. Secretarial allowance.

CHAPTER V
ACCOMMODATION TO MEMBER

- 16. Accommodation at Lucknow.
- 16A. Special provisions regarding certain accommodation.
- 17. Rules regarding accommodation.

CHAPTER V-A
PROVISION OF LOAN TO MEMBERS

- 17A. Advance to members.

CHAPTER VI
TELEPHONE FACILITIES

- 18. Telephone.

CHAPTER VI-A
MEDICAL FACILITIES

- 18-A. Medical facilities.

CHAPTER VII
FACILITIES TO THE LEADER OF OPPOSITION

- 19. Salary, accommodation, conveyance and other facilities to the Leader ofOpposition.
- 20. Omitted.
- 21. Omitted.
- 21A. Omitted.
- 22. Omitted.

CHAPTER VIII
PENSION TO EX-MEMBERS

- 23. Meaning of certain expressions.
- 24. Pension to Ex-members.
- 24A. Conditions of pension payableto certain persons.
- 25. Pension when not payable.
- 26. Pension to be reduced incertain cases.
- 26A. Financial Assistance to dependent of deceased members.

CHAPTER IX

MISCELLENEOUS

27. Relinquishment of salary etc.
28. Recovery of Government and other dues from member's bills.
29. Power to remove difficulties.
30. Rule making power.
31. Repeal.

THE UTTAR PRADESH STATE LEGISLATURE (MEMBERS' EMOLUMENTS AND PENSION)
ACT, 1980

U.P Act No.23 of 1980

AN
ACT

to consolidate and amend the law relating to payment of salaries, allowances and other facilities
to the members of the State Legislature

IT IS HEREBY enacted in the Thirty-First Year of the Republic of India as follows:

CHAPTER I

Preliminary

Short title and commencements	1	(1) This Act may be called the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980. (2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.
Definitions	2	<p>In this Act-</p> <p>(a) 'Assembly' means the Uttar Pradesh Legislative Assembly;</p> <p>(b) 'Chairman' means Chairman of the Council;</p> <p>(c) 'Council' means the Uttar Pradesh Legislative Council;</p> <p>(d) 'Deputy Chairman' means the Deputy Chairman of the Council;</p> <p>(e) 'Deputy Speaker' means the Deputy Speaker of the Assembly;</p> <p>(f) 'duration of membership; in relation to a member means the period-</p> <p style="padding-left: 40px;">(i) beginning with the date of publication in the official Gazette of the notification of his election or nomination, as the case may be, or the date he makes more or subscribes the oath or affirmation in accordance with Article 188 of the Constitution of India, whichever is earlier ; and</p> <p style="padding-left: 40px;">(ii) with the date when he ceases to be such a member due to death, resignation or otherwise;</p> <p>(g) 'incidental charge' means –</p> <p style="padding-left: 40px;">(i) In the case of a journey performed by rail, an amount equal to the railway fare for such journey in ¹[air conditioned two-tier] for one person;</p> <p style="padding-left: 40px;">(ii) In any other case, the amount payable as such at the rate to be prescribed;</p> <p>(h) 'Leader of Opposition' means the member of the Assembly or the Council who is, for the time being, recognized as such by the Speaker, or the Chairman, as the case may be ;</p> <p style="padding-left: 40px;">(i) 'member' means a member of the Assembly or the Council, who does not hold the office of a Minister, Deputy Speaker, Speaker Chairman, Deputy Chairman or Parliamentary Secretary;</p> <p>² [(ii) 'member of family' in relation to a member of assembly or Council, whatever or not he holds any office referred to in (i), means his or her spouse, son, daughter father, mother, brother, or sister, residing with and wholly dependent on such member;</p>

¹ substituted vide Act No. 25 of 2000 (w.e.f. 24.05.2000)

² Inserted vide U.P. Act No. 13 of 1986 (w.e.f. 01.04.1986)

- (j) 'Minister' includes the Chief Minister, a Minister for State or a Deputy Minister;
- (k) 'place of residence' in relation to a member means the place of which the member is, according to the entry in the electoral roll of an Assembly Constituency, ordinarily resident, and in case the member changes such place, the place within Uttar Pradesh notified as such on request of the member by the Secretary :
- Provided that no such notification shall be issued before the expiry of the period of six months after the election or after the issue of the earlier notification issued under this clause, as the case may be ;
- (l) 'Railway coupons' means free non-transferable rail travel money value coupons issued under the authority of the Railway Board for the purposes of this Act;
- (m) ¹['Principal Secretary'] in relation to members of the Assembly means the Secretary of the Assembly and in relation to the members of the Council, means the Principal Secretary of the Council;
- (n) 'Speaker' means the Speaker of the Uttar Pradesh Legislative Assembly;
- (o) 'year' means the period of twelve months commencing on the first day of June, and ending on the thirty first day of May next following.

CHAPTER II

Salary and Constituency Allowance

- | | |
|------------------------|---|
| Salary | <p>3 (1) Every member, other than the leader of Opposition of the Assembly, shall be entitled to receive for the duration of his membership, a salary of ²[twenty five thousand rupees] per month.</p> <p>(2) The payment of salary referred to in sub-section (1) shall be subject to the following conditions, namely;</p> <p>(a) the salary shall be liable to such deductions on the ground of a absence or other cause as may be prescribed</p> <p>(b) no salary shall be payable to a member for the period during which he is unable to sit in the Assembly or Council, as the case may be as a result of any decision of any decision of any court or tribunal;</p> <p>(c) no salary shall be payable to a member of the Assembly for the period of preceding the date of constitution of the Assembly;</p> <p>(d) no salary shall be payable to a member of the Council for the period of preceding the date of vacancy as a result of which such member is elected or nominated.</p> |
| Constituency Allowance | <p>4 Every member of the Assembly or Council, whether or not he holds any of the officers referred to in clause (i) of section 2, shall be entitled to receive, for the duration of his membership a constituency allowance of ³ [fifty thousand and rupees] per month.</p> |

¹ Substituted vide Act No. 21 of 2005 (w.e.f. 11-08-2005)

² Substituted vide Act No. 21 of 2016 (w.e.f. 16.09.2016)

³ Substituted vide Act No. 21 of 2016 (w.e.f. 16.09.2016)

CHAPTER III

Travel Facility

Railway
Coupons

- [5. ¹[(1) Subject to the provisions of this Act, every member of the Assembly or the Council, whether or not he holds any office referred to in clause (i) of section 2, shall be provided, in the manner prescribed, with railway coupons of such value, not exceeding ²[four lakh twenty five thousand rupees] per annum from June 1, 2015 as may be used by such member for himself and for the ³[members of his family or his companion] for travel by any railway in any class any time within or outside Uttar Pradesh in accordance with such principles as may be prescribed].

⁴[(2) Subject to the other provisions of this Act, every ex-member shall be provided, in the manner prescribed, with railway coupons of such value not exceeding ⁵[one lakh rupees] per annum as may be used by such ex-member for himself and ⁶ [for the members of his family or one companion] and the provisions of sub-section (1) shall mutatis mutandis apply to the railway coupons supplied under this sub-section.]

Explanation - ⁷ [The value of railway coupons for journeys by the railway referred to in this section shall from time to time be determined by the State Government in consultation with the Railway Board.]

⁸[Provided that out of the railway coupons to be supplied under this section to a member, he shall at his option-

(a) be supplied ⁹[coupons of equal value or reimburse the fare] for travel by air at any time within or outside Uttar Pradesh; and

(b) be paid an amount in cash not exceeding ¹⁰[twenty five thousand rupees] per month for petrol or diesel for his own vehicle;

Instead of such value of railway coupon as he may desire, in such manner as may be prescribed.]

¹¹[Provided further that whenever there is an increase in the railway fare of ¹²[air conditioned two-tier], the State Government may by a notified order make a proportional increase in the value of railway coupons.]

¹³[Provided also that out of the railway coupons to be supplied under sub-section (2) to an ex-member, he shall at his option be supplied coupons of equal value for travel by air at any time.]

¹⁴ [Provided also that an ex-member shall be paid out of the Railway coupons to be supplied to him an amount in cash not exceeding fifty thousand rupees annually for petrol or diesel for his own vehicle;]

¹ Renumbered vide Act No. 30 of 1998 (w.e.f. 26.09.1998)

² Substituted vide Act No. 21 of 2016 (w.e.f. 16.09.2016)

³ Substituted vide Act No. 21 of 2016 (w.e.f. 16.09.2016)

⁴ Inserted vide Act No 30 of 1998 (w.e.f. 26.09.1998)

⁵ Substituted vide Act No. 21 of 2016 (w.e.f. 16.09.2016)

⁶ Substituted vide Act No. 37 of 2007 (w.e.f. 01.12.2007)

⁷ Substituted vide Act No. 13 of 1986 (w.e.f. 01.04.1986)

⁸ Substituted vide Act No. 27 of 2000 (w.e.f. 01.06.2000)

⁹ Substituted vide Act No. 03/2015 (w.e.f. 01.04.2015)

¹⁰ Substituted vide Act No. 21 of 2016 (w.e.f. 16.09.2016)

¹¹ Inserted vide Act No. 04/1997 (w.e.f. 02.05.1997)

¹² Substituted vide Act No. 25 of 2000 (w.e.f. 24.05.2000)

¹³ Inserted vide Act No. 07/2006 (w.e.f. 17.03.2006)

¹⁴ Substituted vide Act No. 21 of 2016 (w.e.f. 16.09.2016)

	¹ [6	[***	***]
Journey with companion	7	The railway coupons referred to in section-5 may also used by member for taking along with himself in journeys by rail ² [**] one companion in the following cases namely -	
		(a) not more than twice during each session of the Assembly or the Council, as the case may be, for coming to Lucknow from the railway station nearest to the place of his residence and going back from Lucknow to such railway station ;	
		(b) In case of a woman member, for such journey as is performed by her for her attendance required in connection with her duties and functions as such member, and for returning, after such attendance, the place of her residence.	
	³ [8.	***	***
Journey by Ministers, Speaker etc.	⁴ [9.	The Railway coupons referred to in section 5 may, in the manner prescribed, used by every member who holds any office mentioned in clause (i) of section 2, for himself and members of his family travel in any railway in any class at any time within or outside Uttar Pradesh for purposes otherwise than in discharge of official duties.]	
Validity of Railway Coupons	10.	The railway coupons issued to a member under this Chapter shall be valid for such period and every unused coupon shall be surrendered to the Secretary in such manner as may be prescribed.	

¹ Omitted vide Act No. 13 of 1986 (w.e.f. 01.04.1986)

² Omitted vide Act No. 13 of 1986 (w.e.f. 01.04.1986)

³ Omitted vide Act No. 13 of 1986 (w.e.f. 01.04.1986)

⁴ Substituted vide Act No. 13 of 1986 (w.e.f. 01.04.1986)

$$^2[12. \quad *** \quad *** \quad ***]$$

Journey by Bus ³[13.

(1) Every member, when he travels within Uttar Pradesh by the Uttar Pradesh State Road Transport Corporation Bus including air condition or deluxe bus and submits ticket thereof the amount of such ticket shall be paid to him by the Principal Secretary.

(2) The facility referred to in sub-section (1) may also be availed by a member for taking one companion with him in the bus.

(3) Every person who is entitled to a pension under Chapter VIII shall be entitled, in the manner prescribed with a free non-transferable pass to travel at any time within Uttar Pradesh by the Uttar Pradesh State Road Transport Corporation Bus without payment of the passenger tax due under any law for the time being in force.

(4) The pass referred to in sub-section (3) may also be used by such person for taking one companion along with him in the bus :

Provided that if a person referred to in sub-section (3) travels in an air-condition bus or a deluxe bus he shall have to bear himself the excess amount of fare difference.]

¹ Omitted vide Act No. 13 of 1986 (w.e.f. 01.04.1986)
² Omitted vide Act No. 13 of 1986 (w.e.f. 01.04.1986)
³ Substituted vide Act No. 21 of 2005 (w.e.f 11.08.2005)

Chapter IV

Incidental Charges and Daily Allowances

Incidental charges

14. Incidental charges shall be payable to every member at such rates and subject to such conditions and restrictions as may be prescribed, for his attendance in connection with his duties or functions as such member in the following cases namely :

(a) for journeys for attendance in each session of the Assembly or the Council, as the case may be, or at any sitting of any Committee thereof, only for coming to the place of sitting and going back to the place of his residence, not more than twice times in one calendar month :

Provided that if a member attends the sitting of two or more Committees in the same calendar month, the incidental charges shall in no case be payable under this clause for more than four times in such month:

(b) for journeys for attendance in any meeting called by the Speaker or the Chairman, as the case may be, for coming to the place of his residence;

(c) for journeys performed by him as Chairman of any Committee, in connection with the work of such Committee other than a meeting of the Committee for coming to Lucknow and for going back to the place of his residence, not more than twice in one calendar month ;

¹[(d) for journey for attendance in any meeting called by or under authority of the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha or the Speaker of Legislative Assembly or as the case may be, the Chairman of the Legislative Council of any other State or by the Indian Institute of Parliamentary Studies or organized otherwise in connection with Constitutional Studies or any seminar or Study Course :

Provided that such member is nominated to attend such meeting by the Speaker as defined in clause (n) of Section 2 or the Chairman as defined in clause (b) the said section:

Provided further that not more than ²[five members] shall be nominated for attendance in any such meeting and no such nomination shall be made for more than twice in a year.]

¹ Substituted vide Act No. 13 of 1984 (w.e.f. 11.05.1984)

² Substituted vide Act No. 10 of 2004 (w.e.f. 01.04.2004)

Daily
Allowance

15. ¹[(1)] - [Every member, whether or not he holds any office referred to in clause (i) of section 2] shall be entitled to daily allowance at the rate of ²[two thousand rupees]⁸ per day which shall be calculated in accordance with the following principles, namely:-

(i) the allowance shall be payable for each day of attendance during the session of the Assembly or the Council, as the case may be, or at any sittings of any Committee thereof ;

(ii) The allowance shall also payable for one day before and one day after a continuous sitting of the Assembly or the Council, as the case may be, provided that the member is present at the place of such continuous sitting on those days ;

(iii) The allowance shall be payable for the days of adjournment in the course of continuous sitting of the Assembly or Council or of its Committee, as the case may be, and for the holidays falling in between such continuous sitting, provided that the member is a present at the place of sitting on all such days ;

(iv) the allowance shall also be payable for the member of days not exceeding four which intervene between the last day of a sitting of the Assembly or Council or of its Committee, and the first day of the sitting of the same or another Committee or of the Assembly or the Council, provided that the member is present at the place of sitting on all such days ;

(v) where in a case falling under clause (iii) or clause (iv) a member leaves the place of sitting for his residence or for his constituency, he shall, notwithstanding anything contained in section 14, be entitled to a daily allowance in accordance with the provisions of this section or incidental charges in accordance with section 14, whichever is less ;

³[(v-a) the allowance shall also be payable to a member for his visits to Lucknow as Chairman of any committee in connection with the work of such committee, other than the meeting of such committee, in case no such allowance is otherwise payable to him under any other provision of this section provided that no such allowance shall be payable for more than two visits in a calendar month and more than two days per such visit ;

[(v-b) the allowance shall also be payable for attendance in any meeting, seminar for study course referred to in clause (d) of section 14]

⁴ [(v-bb)*****]

⁵ [(v-c) *****]

⁶[(vi) *****]

¹ Renumbered vide Act No 16 of 1994 (w.e.f. 02.05.1994)

² Substituted vide Act No. 21 of 2016 (w.e.f. 16.09.2016)

³ Inserted vide Act No. 13 of 1984 (11.05.1984)

⁴ Omitted vide Act No 16 of 1994 (w.e.f. 02.05.1994)

⁵ Omitted vide Act No 16 of 1994 (w.e.f. 02.05.1994)

⁶ Omitted vide Act No 22 of 1986 (w.e.f. 01.04.1986)

Explanation- For the purposes of this section, a sitting shall be deemed to be continuous if the number of days between the last day of a meeting and the last day of another meeting is not more than four.

¹[(2) Every member shall be entitled to daily allowance at the rate of ²[one thousand five hundred rupees] per day for the days during which he tours for the works in the service of the public and for which the allowance or incidental charges under sub section (1) are not, may not be admissible.

(3) Notwithstanding anything contained in sub-section (1), daily allowance at the rate of ³ [eight hundred rupees] shall be payable to a member holding any office referred to in clause (i) of section 2 and the Leader of Opposition for each day during the whole of the term in which he holds such office, except such days for which he claims the daily allowance under sub section (1).]

Chapter IV-A

Secretarial Allowance

Secretarial allowance	⁴ [15-A Every member of the Assembly or the Council whether or not he holds any of the office referred to in clause (1) of section 2 including the leader of opposition shall be entitled to receive for the duration of his membership or, as the case may be, during the whole of term in which he holds such office, secretarial allowance at the rate of ⁵ [twenty thousand rupees per month.]
-----------------------	--

¹ Inserted vide Act No. 16 of 1994 w.e.f. 02.05.1994)

² Substituted vide Act No. 21 of 2016 (w.e.f. 16.09.2016)

³ Substituted vide Act No. 03 of 2015 (w.e.f. 01.04.2015)

⁴ Inserted vide Act No. 04 of 1997 (w.e.f. 02-05-1997)

⁵ Substituted vide Act No. 21 of 2016 (w.e.f. 16.09.2016)

Chapter V

Accommodation to Member

- Accommodation at Lucknow 16. (1) Every member (including a Parliamentary Secretary shall be entitled, without payment of rent, to the use of such accommodation at Lucknow as may be provided to him for the duration of his membership and such further period as may be prescribed.
- ¹[(1-A) Every member for whose use accommodation at Lucknow has been provided under sub-section (1) shall immediately after the expiration of the period referred to in that sub-section vacate such accommodation and an officer authorized by the State Government in this behalf may take possession of the accommodation and may for the purpose use such force as may be necessary in the circumstances.
- Explanation* - For the purposes of this sub-section 'Member' includes a person who has ceased to be a member.]
- (2) Where a member ²[***] has not been provided with any accommodation he shall be entitled to an accommodation allowance ³[at the rate of three hundred rupees per mensem.]
- ⁴[(3) ** ** **]
- Explanation* - A member shall be deemed to have been provided with an accommodation on the date when intimation about its allotment in his favour is given to him whether or not such member accepts the allotment or occupies the accommodation.
- Special provisions regarding certain accommodation ⁵[16-A (1) On and from the commencement of the Uttar Pradesh Ministers, and State Legislatures, officers, and Members Amenities Laws (Amendment) Act, 1997, the State Government may, with a view to ensuring timely availability of accommodation to a member under sub-section (1) of section 16 by a notified order, specify any accommodation in the colony or building named as Vidhayak Niwas No.1, A-Block Darulshafa, Vidhayak Niwas No.2, B-Block Darulshafa, Vidhayak Niwas No.3, O.C.R, Vidhayak Niwas No.4, Royal Hotel, Vidhayak Niwas No.5, Mirabai Marg, Vidhayak Niwas No.6, Park Road under the control and management of the Estate Department of the State Government, as Legislatures' residence and an accommodation so specified shall be allotted to a member only and not to any other person;
- (2) The State Government or an officer authorized by it in this behalf may, if a person other than a member referred to in subsection (1-A) of section 16 is in occupation of an accommodation specified as Members' residence under sub section (1) on the basis of any allotment order or otherwise ,cancel the allotment order of such person if any, and by notice in writing require such person to vacate the said accommodation within the said period, an officer authorized by the State Government in this behalf may take possession of the said accommodation and may for the purpose use such force as may be necessary in the circumstances.]

¹ Inserted vide Act No. 05 of 1990 (w.e.f 31.12.1989)

² Omitted vide Act No 21 Of 1984 (w.e.f 01.10.1984)

³ Substituted vide Act No 21 Of 1984 (w.e.f 01.10.1984)

⁴ Omitted vide Act No 04 Of 2013 (w.e.f 01.04.2013)

⁵ Inserted vide Act No. 08 of 1997 (w.e.f 02.08.1997)

Rules regarding
accommodation

- 17 (1) For the purposes of allotment of accommodation under section 16, the State Government may make rules which shall provide for the following matters, namely:-
- (a) laying down the standard of accommodation to which a member shall be entitled ;
 - (b) fixing the scale on which any accommodation shall be furnished ;
 - (c) fixing standard rent of ¹[any] accommodation
 - (d) ²[*** *** ***]
 - (e) Making provision for payment by the State Government of all charges including charges for electricity and water and for regulating the supply of water and electricity in such accommodation.
- (2) The rules referred to in sub-section (i) may be made in respect of those members also who hold any of the offices referred to in clause (i) of section 2.

¹ Substituted vide Act No 21 Of 1984 (w.e.f 01.10.1984)

² Omitted vide Act No 21 Of 1984 (w.e.f 01.10.1984)

¹[CHAPTER V-A

PROVISION OF LOAN TO MEMBERS

- Advance to members 17-A The State Government may provide for grant of repayable advance of a sum ² [not exceeding rupees two lakh] to any person who is a member, whether or not he holds any office referred to in clause (i) of section 2, or who has held office as a member of the Assembly or Council, either for construction or purchase of residential accommodation or for purchase of a vehicle in accordance with such terms and conditions as may be prescribed.]
- ³[Provided that if the advance granted any such member for one purpose and the interest due thereon has been repaid, the member may be granted advance for the other purpose.]

CHAPTER VI

TELEPHONE FACILITIES

- Telephone 18 Every member shall be entitled to such facilities regarding telephone at Lucknow and the place of his normal residence or in his constituency ⁴[and mobile phone as may be prescribed.]

⁵[CHAPTER VI-A

MEDICAL FACILITIES

- Medical Facilities Every member of the Assembly or the Council whether or not he holds any office mentioned in clause (i) of section 2, shall be entitled in accordance with such principles as may be prescribed-
- (a) To receive a sum of ⁶[thirty thousand rupees] per mensem in lieu of outdoor medical treatment and facilities including medicines provided in a hospital or dispensary established or maintained by the State Government or a member at his option, may be reimbursed for actual expenses incurred on such medical treatment and facilities including medicine;
- (b) To get accommodation and treatment in such hospital, free of charge for himself and members of his family who may be required to be admitted in the hospital for medical treatment.]

¹ Inserted vide Act No 22 of 1986 (w.e.f. 24.09.1986)

² Substituted vide Act No. 04 of 1997 (w.e.f. 02.05.1997)

³ Inserted vide Act No 25 of 2000 (w.e.f. 24.05.2000)

⁴ Substituted vide Act No. 07 of 2006 (w.e.f. 17.03.2006)

⁵ Inserted vide Act No 13 of 1986 (w.e.f. 01.04.1986)

⁶ Substituted vide Act No. 21 of 2016 (w.e.f. 16.09.2016)

CHAPTER VII

FACILITIES TO THE LEADER OF OPPOSITION

Salary, accommodation, conveyance and other facilities to the Leader of Opposition.	¹ [19 The Leader of Opposition shall be entitled to such salary, accommodation, conveyance and other facilities as are admissible to any member of the Council of Ministers under the provisions of sections 3, 4, 5, 6, 7 and 8 of the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981 and the provisions of the said sections and the rules relating thereto shall mutatis mutandis apply to the Leader of Opposition as they apply in relation to any member of Council of Ministers]
	² [20. * * *]
	21. * * *
	21 A * * *
	22. * * *]

CHAPTER VIII

PENSION TO EX-MEMBERS

Meaning of Certain expressions	23. For the purposes of this Chapter--
	³ [(a) The expression 'Assembly' or 'Council' shall include the United Provinces Legislative Assembly or the United Provinces Legislative Council respectively:-
	(i) which was constituted and functioned as such under the Government of India Act, 1935, either before or after the commencement of the Indian Independence Act, 1947; or
	(ii) which functioned as a house of the provisional Legislature for the State under the Constitution of India]
	(b) The expression 'year' means any period of twelve calendar months;
	(c) The period during which a person has, by virtue of his membership in the Assembly or Council, held any of the offices mentioned in clause (i) of section 2 shall also taken into account for determining the term of such membership.

¹ Substituted vide Act No. 15 of 1989 (w.e.f. 01.04.1989)

² Omitted Vide Act No. 15 of 1989 (w.e.f. 01.04.1989)

³ Substituted vide Act No. 13 of 1984 (deemed always to have been substituted)

Pension to Ex-members	24.	<p>¹[(1)] Every person who has served as a member of the Assembly or the Council for any period shall be entitled to a pension at the rate of ²[twenty five thousand rupees] per month throughout his life:</p> <p>Provided that where any person has served as aforesaid for period exceeding one year, he shall be entitled to an additional pension at the rate of ³[two thousand rupees] per month for every completed year in excess of one year.]</p> <p>⁴ [Provided further that in the event of dissolution of Assembly, the period from the date of dissolution of Assembly, till the date of first meeting of the new Assembly, shall be counted for pension purposes of a member who has been the speaker of the dissolved Assembly and has continued to be in office as such during the said period.]</p> <p>⁵[Explanation- Where a person have served as a member of the Assembly or the Council for a term of six months and above and have not completed one year then such person shall for the purposes of calculating the pension, be deemed to have served as member for one year.]</p> <p>⁶ [(2) Where any person entitled to pension under sub-section (1) is also entitled to any other pension, such person shall be entitled to receive the pension under sub-section (1) in addition to such pension.]</p>
Conditions of pension payable to certain persons	24 A	<p>Not with standing anything contained in section 24, no 4 person shall be entitled to any pension under this Chapter in the following cases, namely-</p> <p>(a) ⁷[*****]:</p> <p>(b) where any person is employed on a salary under the Central Government or any State Government or any Local Authority, or becomes otherwise entitled to any remuneration from any corporation owned or controlled by such Government or from a local authority, and such salary or remuneration is equal to or exceeds ⁸[the amount of pension admissible under section 24] per month and he continues to be so employed or entitled to such remuneration:</p> <p>(c) ⁹[****]</p> <p>(d) where any person is elected to the office of the President or Vice-President or is appointed to the office of Governor of any State or the Administrator of any Union Territory and continues to hold such office:</p> <p>(e) where any person is elected or nominated as member of the Legislative Assembly or the Legislative Council of any State or of either of the house of Parliament and continues to be such a member.</p> <p>¹⁰[(f) Where any person ceases to be a citizen of India]</p>

¹ Renumbered vide Act No. 30 of 1998 (w.e.f. 26.09.1998)

² Substituted vide Act No. 21 of 2016 (w.e.f. 16.09.2016)

³ Substituted vide Act No. 21 of 2016 (w.e.f. 16.09.2016)

⁴ Inserted vide Act No. 10 of 2004 (w.e.f. 01.04.2004)

⁵ Inserted vide Act No. 10 of 2004 (w.e.f. 01.04.2004)

⁶ Inserted vide Act No. 30 of 1998 (w.e.f. 26.09.1998)

⁷ Omitted vide Act No. 30 of 1998 (w.e.f. 26.09.1998)

⁸ Substituted vide Act No. 04/1997 (w.e.f. 02.05.1997)

⁹ Omitted vide Act No. 10 of 2004 (w.e.f. 01.04.2004)

¹⁰ Inserted vide Act No. 15 of 1991 (w.e.f. 07.01.1991)

Pension when not payable	25.	Not with standing anything contained in section 24, no 4 person shall be entitled to any pension under this Chapter in the following cases, namely- (a) ¹ [*****]: (b) where any person is employed on a salary under the Central Government or any State Government or any Local Authority, or becomes otherwise entitled to any remuneration from any corporation owned or controlled by such Government or from a local authority, and such salary or remuneration is equal to or exceeds ² [the amount of pension admissible under section 24] per month and he continues to be so employed or entitled to such remuneration : (c) ³ [*****] : (d) where any person is elected to the office of the President or Vice-President or is appointed to the office of Governor of any State or the Administrator of any Union Territory and continues to hold such office: (e) where any person is elected or nominated as member of the Legislative Assembly or the Legislative Council of any State or of either of the house of Parliament and continues to be such a member. ⁴ [(f) Where any person ceases to be a citizen of India]
Pension to be reduced in certain cases	26	Where in the circumstances mentioned in ⁵ [clause (b)] of section 25, a person is entitled to a pension, salary or remuneration amounting to less than ⁶ [the amount of pension admissible under section 24] per month then the pension payable to such person under section 24 shall not exceed the amount by which such pension, salary or remuneration falls short of ⁷ [the amount of pension admissible under section 24] per month.
Financial Assistance to dependant of deceased members	⁸ [26-A	(1) If a sitting member dies during the tenure of his or her office, the spouse of such member shall be entitled to a family pension equal to pension otherwise admissible to the deceased member at the time of death or a pension of rupees ⁹ [twenty five thousand] whichever is greater for the life-time of such spouse. (2) If an ex-member ¹⁰ [*****] dies, the spouse of such ex-member shall be entitled to a family pension equal to 50% of pension of such ex- member at the time of death or a pension of rupees ¹¹ [twenty five thousand] whichever is greater for the life-time of such spouse.] Provided that if the spouse is entitled to a salary under section 3 or a pension under sub-section (1) of section 24 she/he will not be entitled to receive family pension under sub-section (1) or sub-section (2). ¹² [(3) Sub-section (1) and sub-section (2) shall also apply to a spouse who is alive on the date of commencement of the Uttar Pradesh State Legislature (Member's Emoluments and Pension) (Amendment) Act, 2015.] Explanation- "Dependent" in a relation to a member means his or her spouse, son, daughter, father or mother in order of preference, residing with and wholly dependent on such member.]

¹ Omitted vide Act No. 30 of 1998 (w.e.f. 26.09.1998)

² Substituted vide Act No. 04/1997 (w.e.f. 02.05.1997)

³ Omitted vide Act No. 30 of 1998 (w.e.f. 26.09.1998)

⁴ Inserted vide Act No. 15 of 1991 (w.e.f. 07.01.1991)

⁵ Substituted vide Act No. 30 of 1998 (w.e.f. 26.09.1998)

⁶ Substituted vide Act No. 04/1997 (w.e.f. 02.05.1997)

⁷ Substituted vide Act No. 04/1997 (w.e.f. 02.05.1997)

⁸ Inserted vide Act No. 39 of 2007 (w.e.f. 13.05.2007) and Substituted vide Act No. 09 of 2010 (w.e.f. 05.03.2010)

⁹ Substituted vide Act No. 02 of 2023 (w.e.f. 06.03.2023)

¹⁰ Omitted vide Act No. 03 of 2015 (w.e.f. 01.04.2015)

¹¹ Substituted vide Act No. 02 of 2023 (w.e.f. 06.03.2023)

¹² Inserted vide Act No. 04 of 2013 (w.e.f. 01.04.2013) and Substituted vide Act No. 03 of 2015 (w.e.f. 01.04.2015)

CHAPTER IX
MISCELLANEOUS

- Relinquishment of salary etc. 27. Any person entitled to any salary, allowance or other facilities under this Act may at any time relinquish the whole or any part of such salary, allowances or facilities by intimating in writing to the Speaker or the Chairman, as the case may be :
- Provided that any such relinquishment may be cancelled by him at any time, with prospective effect, by writing to the Speaker or the Chairman, as the case may be :
- Recovery of Government and other dues from member's bills. 28. ¹ [(1) Where any Government dues (such as rent or charges for accommodation, telephone dues, etc.) are reported to be outstanding against a member and appropriate claims or bills in support thereof are received from the concerned authority, and such member fails to pay such dues, and amount equivalent to such dues , or where any repayable advance has been provided by Government to a member then an amount equivalent to such advance or any installment thereof due from such member, together with interest, if any shall be deducted by the secretary from the salary or travelling or daily or compensatory accommodation any other allowance bill of such member.
- [(1-A) In case of a person who has ceased to be a member or a person who is not a member or a person who is not a member at the time when any repayable advance has been provided to him by the Government, the amount referred to in sub-section (1) may be payable to such person this Act.]
- ²[Provided that if any other Government dues are reported to be outstanding against such person, whether it is for the period of his membership or for the period he is ceased to be a member shall also be deducted from the pension of such person.]
- (2) Ordinarily any non-Government dues outstanding against a member shall not be recovered from his salaries or allowances but where such dues are on account of certain services rendered to him in the course of his parliamentary duties, such as, when he is on tour with a Committee, and the arrangements for such services have been made by or at the instance of the semi-Government institutions or private parties at the request of officers of the State Legislature, and such member fails to pay such dues, recovery thereof may be effected from the salary or travelling or daily allowances bills of such member.

¹ Substituted vide Act No. 22 of 1986 (w.e.f. 01.04.1986)

² Inserted vide Act No. 21 of 2005 (w.e.f. 11.08.2005)

Power to remove difficulties	<p>29. (1) The State Government may, for the purpose of removing any difficulty, particularly in relation to the transition from the provisions of the enactments repealed by section 31 to the provisions of this Act, by order published in official Gazette, direct that provisions of this Act shall, during such period as may be specified in the order, have effect subject to such adaptations whether by way of modification, addition or omission as it may deem to necessary or expedient.</p> <p>Provided that no such order shall be made after the expiry of two years from commencement of this Act.</p> <p>(2) Every order made under sub-section (1) shall be laid before both houses of the State Legislature.</p> <p>(3) No order under sub-section (1) shall be called in question in any court on the ground that no difficulty as is referred to in sub section (1) existed or required to be removed.</p>
Rule making power	<p>30. (1) The State Government may, by notification make rules to carry out the purposes of this Act.</p> <p>(2) All rules made under the enactment repealed by section 31 and in force on the date immediately preceding the date of commencement of this Act shall in so far as they are not inconsistent with the provisions of this Act be deemed to have been made under this Act, and they shall continue to be valid and effective until they are repealed to by new rules made under sub-section (1).</p>
Repeal	<p>31. The Uttar Pradesh Legislative Chambers (Members' Emoluments and Pension) Act, 1952 is hereby repealed.</p>