

THE UTTAR PRADESH STATE LEGISLATURE (MEMBERS EMOLUMENTS AND PENSION) ACT, 1980¹

[U. P. ACT NO. 23 OF 1980]

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on October 9, 1980 and by the Uttar Pradesh Legislative Council on October 13, 1980.]

Received the assent of the Governor on October 25, 1980 under Article 200 of 'the Constitution of India' and was published in the Uttar Pradesh Gazette Extraordinary dated October 25, 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

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|------------------------------|----|--|
| Short title and commencement | 1- | <p>(1) This Act may be called the [Uttarakhand]⁴ State Legislature (Members' Emoluments and Pension) Act, 1980.</p> <p>(2) It shall come into force on such date as the State Government may, by notification², appoint in this behalf.</p> |
| Definitions | 2- | <p>In this Act,-</p> <p>(a) 'Assembly' means the [Uttarakhand]⁴ Legislative Assembly;</p> <p>(b) 'Chairman' means the 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 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) ending 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 [air conditioned two-tier]³ for one person;</p> |

1. For Statement of Objects and Reasons see Uttar Pradesh Gazette Extraordinary, dated October 7, 1980.

2. The Act was enforced w.e.f. January 1, 1981 vide notification no.4225-s/XVII-80-125-80. Dated December 24, 1980.

3. Subs. by section 2 of U.P. Act No. 25 of 2000.

4. Subs. by section 2 (2) of Uttarakhand Act No. 08 of 2001.

(ii) in any other case, the amount payable as such at the rate to be prescribed;

(h) 'Leader of Opposition' means the member of the Assembly [***]² who is, for the time being, recognized as such by the Speaker or the Chairman, as the case may be;

(i) 'member' means a member of the Assembly [***]², who does not hold the office of a Minister, Speaker, Deputy Speaker, Chairman, Deputy Chairman or Parliamentary [Secretary/Principal Secretary]⁴;

[(ii) 'Member of family' in relation to a member of Assembly [***]², whether or not he holds any office referred to in clause (i) means his or her spouse, son, daughter, father, mother, brother or sister, residing with and wholly dependent on such member;]¹

(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/Principal Secretary]⁴;

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) '[Secretary/Principal Secretary]⁴', in relation to members of the Assembly, means the [Secretary/Principal Secretary]⁴ of the Assembly and in relation to the members of the Council, means the [Secretary/Principal Secretary]⁴ 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

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 [three thousand rupees]³ per month.

1. Insertion by section 2 of U.P. Act No 13 of 1986.
 2. Subs. by section 2 (2) of Uttarakhand Act No. 08 of 2001.
 3. Subs. by section 2 of Uttarakhand Act No. 13 of 2005.
 4. Subs. by section 2 of Uttarakhand Act No. 09 of 2006.

[The Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980]

[Section 4-5]

(2) The payment of salary referred to in sub-section (1) shall be subject to the following conditions, namely----

(a) the salary shall be liable to such deductions on the ground of absence or other cause as may be prescribed;

(b) no salary shall be payable to a member for the period during which he is unable to sit in the Assembly [***]⁴, as the case may be, as a result of any decision of any court or tribunal;

(c) no salary shall be payable to a member of the Assembly for the period preceding the date of constitution of the Assembly;

(d) no salary shall be payable to a member of the Council for the period preceding the date of vacancy as a result of which such member is elected or nominated.

Constituency
allowance

4- Every member of the Assembly [***]⁴, whether or not he holds any of the offices referred to in clause (i) of section 2, shall be entitled to receive, for the duration of his membership a constituency allowance of [fifteen thousand rupees]⁶ per month.

CHAPTER III

Travel facilities

[Railway
coupons

5- [(1)]³ 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 forty five thousand rupees per annum for the period from June 1, 1990 to August 15, 1991, not exceeding fifty-four thousand rupees per annum for the period from August 16, 1991 to May 1, 1994, not exceeding sixty-five thousand rupees per annum for the period from May 2, 1994 to May 31, 1997 and [not exceeding eighty-five thousand rupees per annum from June 1, 1998]²]¹, as may be used by such member for himself and for the members of his family for travel by any railway in any class at any time within or outside [Uttarakhand]⁵ in accordance with such principles as may be prescribed :

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

(a) be supplied coupons of equal value for travel by air at any time within or outside [Uttarakhand]⁵ ; and

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1. Substituted by section 2 of U.P. Act No 27 of 1998.
 2. Ins. by section 4 (a) of U.P. Act No. 30 of 1998.
 3. Re-numbered by section 4 (b) *ibid*.
 4. Omitted by section 2 (1) of U.P. Act No. 08 of 2001.
 5. Subs. by section 2 (2) *ibid*.
 6. Subs. by section 3 of Uttarakhand Act No. 09 of 2006.

(b) be paid an amount in cash not exceeding three thousand rupees per month for petrol or diesel for his own vehicle;

instead of such value of railway coupons as he may desire, in such manner as may be prescribed :]⁹

[Provided further that whenever there is an increase in the railway fare of [air conditioned two-tier]⁸, the State Government may by a notified order make a proportional increase in the value of railway coupons.]]⁶

Explanation-- The value of railway coupons for journeys by railway referred to in this section shall from time to time be determined by the State Government in consultation with the Railway Board.]]¹

[(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 [thirty thousand rupees]¹² per annum as may be used by such ex-member for himself and for the members of his family and the provisions of sub-section (1) shall mutatis mutandis apply to the railway coupons supplied under this sub-section.]]⁷

6- [***]²

Journey with
companion

7- The railway coupons referred to in section 5 may also be used by a member for taking along with himself in journeys by rail [***]³ one companion in the following cases, namely –

(a) not more than twice during each session of the Assembly [***]¹⁰, as the case may be, for coming to [Dehradun or wherever the Capital exists]¹¹ from the railway station nearest to the place of his residence, and going back from [Dehradun or wherever the Capital exists]¹¹ to such railway station;

(b) in the case of a women 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, to the place of her residence.

8- [***]⁴

[Journey by
Minister,
Speaker etc.

9- The railway coupons referred to III section 5 may, in the manner prescribed, be used by every member who holds any office mentioned in clause (i) of section 2 for himself and members of his family for travel in any railway in any class at any time within or outside Uttar Pradesh for purposes otherwise than in discharge of official duties.]]⁵

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1. Substituted by section 4 of U.P. Act No 13 of 1986.
 2. Omitted by section 5 ibid.
 3. Omitted by section 6 ibid.
 4. Omitted by section 7 ibid.
 5. Subs. by section 8 ibid.
 6. Added by section 3 (b) of U.P. Act No. 4 of 1997.
 7. Renumbered and added of section 4 (b) of U.P. Act No. 30 of 1998.
 8. Subs. by section 3 of U.P. Act No. 25 of 2000.
 9. Subs. by section 2 of U.P. Act No. 27 of 2000.
 10. Omitted by section 2 (2) of U.P. Act No. 08 of 2001.
 11. Subs. by section 2 (3) ibid.
 12. Subs. by section 4 (b) of Uttarakhand Act No. 09 of 2006.

[The Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980] [Section 10-14]

- 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/Principal Secretary]³ in such manner as may be prescribed.
- 11- [***]¹
- 12- [***]¹
- Journey by Bus 13- [(1) Every member shall be entitled in the manner prescribed with a free non-transferable pass to travel at place by the Uttarakhand Transport Corporation bus including air conditioned or deluxe bus without payment of the passenger tax due under any law for the time being in force.
- (2) The facility referred to in sub-section (1) may also be available by a member for taking one companion along with him in the Bus.
- (3) Every person who is entitled to pension under Chapter XI shall be entitled in the manner prescribed with a free non-transferable pass to travel at any place by the Uttarakhand 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 alongwith him in the bus :
- Provided that if a person referred to in sub-section (3) travels in air conditioned bus or a deluxe bus, he shall pay himself the excess amount of fare difference.]⁴

CHAPTER IV

Incidental Charges and Daily Allowance

- 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 [***]², is 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 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 the meeting and for going back to the place of his residence;

1. Omitted by section 9 of U.P. Act No. 13 of 1986.
 2. Omitted by section 2 (1) of U.P. Act No. 08 of 2001.
 3. Subs. by section 2 of Uttarakhand Act No. 09 of 2006.
 4. Subs. by section 5 ibid.

(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 [Dehradun or wherever the Capital exists]⁵ and for going back to the place of his residence, not more than twice in one calendar month;

[(d) for journey for attendance in any meeting called by or under the authority of the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha or the Speaker of the 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 further that not more than [five members]⁶ shall be nominated for attendance in any such meeting and no such nomination shall be made for more than twice in a year.]¹

Daily
Allowances

15- [(1)]³ [Every member, whether or not he holds any office referred to in clause (i) of section 2]² shall be entitled to daily allowance at the rate of [five hundred rupees]⁷ 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 [***]⁴, as the case may be, or at any sittings of any Committee thereof;

(ii) the allowance shall also be payable for one day before and one day after, a continuous sitting of the Assembly [***]⁴ 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 also be payable for the days of adjournment in the course of a continuous sitting of the Assembly [***]⁴ of its Committee, as the case may be, and for the holidays falling in between such continuous sitting, provided that the member is present at the place of sitting on all such days;

(iv) the allowance shall also be payable for the number of days not exceeding four which intervene between the last day of a sitting of the Assembly [***]⁴ or of its Committee, and the first day of the sitting of the same or another Committee or of the Assembly [***]⁴, 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;

1. Substituted by section 3 of U.P. Act No. 13 of 1984.
 2. Subs. by section 2 (a) of U.P. Act No. 22 of 1986.
 3. Re-numbered by section 3 (b) of U.P. Act No. 16 of 1994.
 4. Omitted by section 2 (1) of U.P. Act No. 08 of 2001.
 5. Subs. by section 2 (3) *ibid*.
 6. Subs. by section 5 of Uttarakhand Act No. 13 of 2005.
 7. Subs. by section 6 of Uttarakhand Act No. 09 of 2006.

[(v-a) the allowance shall also be payable to a member for this visits to [Dehradun or wherever the Capital exists]⁶ 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 provisions of this section provided that no such allowance shall be payable for more than two visits in a calendar month and for more than two days per such visit ;

(v-b) the allowance shall also be payable for attendance in any meeting, seminar or study course referred to in clause (d) of section 14;]¹

(v-bb) [***]²

(v-c) [***]²

(vi) no such allowance shall be payable to the Leader of Opposition of the Assembly.

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 first day of another meeting is not more than four.

[(2) Every member shall be entitled to daily allowance at the rate of [two hundred fifty rupees]⁷ 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, or may not be admissible.

(3) Notwithstanding anything contained in sub-section (1), daily allowance at the rate of [two hundred fifty rupees]⁷ per day 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 daily allowance under sub-section (1).]³

[CHAPTER IV-A Secretarial Allowance

Secretarial
Allowance

15-A

Every member of the assembly [***]⁵, 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 the term in which he holds such office, secretarial allowance at the rate of [six thousand rupees]⁸ per month.]⁴

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1. Substituted by section 4 (b) of U.P. Act No. 13 of 1984.
 2. Omitted by section 3 (a)(ii) of U.P. Act No. 16 of 1994.
 3. Subs. by section 3 (b) *ibid*.
 4. Added by section 5 of U.P. Act No. 4 of 1997.
 5. Omitted by section 2 (1) of U.P. Act No. 08 of 2001.
 6. Subs. by section 2 (3) *ibid*.
 7. Subs. by section 6 (b) and 6 (c) of Uttarakhand Act No. 13 of 2005.
 8. Subs. by section 7 of Uttarakhand Act No. 09 of 2006.

[The Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980] [Section 16-16A]

CHAPTER V

Accommodation to Members

Accommodation
at [Dehradun or
wherever the
Capital exists]³

16- (1) Every member (including a Parliamentary [Secretary/Principal Secretary]⁵) shall be entitled, without payment of rent, to the use of such accommodation at [Dehradun or wherever the Capital exists]³ as may be provided to him for the duration of his membership and such further period as may be prescribed.

[(1-A) Each Member for whose use accommodation at [Dehradun or wherever the Capital exists]³ 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

[(2) Where a member has not been provided with any accommodation, he shall be entitled to an accommodation allowance at the rate of three hundred rupees per month and paid house rent allowance upto April 30, 2006 shall not be recovered.]⁶

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.

[(3) Where a member is provided with an accommodation the standard rent whereof is less than [seven thousand five hundred rupees]⁴ per mensem, the difference thereof shall be paid to such member as compensatory accommodation allowance and where the standard rent of the accommodation so provided is more than the said amount the difference be chargeable from the member.]¹

[Special
provisions
regarding
certain accom-
modations

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, Vidhyak Nowas No. 3, O.C.R., Vidhyak Niwas No. 4, Royal Hotel, Vidhayak Niwas No. 5, Mirabai Marg, Vidhyak 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.

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1. Insertion by section 2 (b) of U.P. Act No. 21 of 1984.
 2. Added by section 3 of U.P. Act No. 05 of 1990.
 3. Subs. by section 2 (2) of U.P. Act No. 08 of 2001.
 4. Subs. by section 4 (1) *ibid*.
 5. Subs. by section 2 of Uttarakhand Act No. 09 of 2006.
 6. Subs. by section 8 *ibid*.

[The Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980] [Section 17-17A]

(2) The State Government, or an officer authorized by it in this behalf may, if a person other than a member referred to in sub-section (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 fifteen days from the date of service upon him of such notice, and if such person fails 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.]⁴

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 every such accommodation shall be furnished;

(c) fixing standard rent of [any]¹ 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 (1) may be made in respect of those members also who hold any of the offices referred to in clause (i) of section 2.

[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 [not exceeding rupees three lakh]⁷ 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 [***]⁶, either for construction or purchase of residential accommodation or for purchase of a vehicle in accordance with such terms and conditions shall may be prescribed.]³

[Provided that if the advance granted to any such member for one purpose and the interest due thereon has been repaid, the member may be granted advance for the other purpose.]⁵

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1. Subs. by section 3 (a) of U.P. Act No. 21 of 1984.
 2. Omitted by section 3 (b) ibid.
 3. Added by section 3 of U.P. Act No. 22 of 1986.
 4. Added by section 3 of U.P. Act No. 8 of 1997.
 5. Added by section 4 of U.P. Act No.25 of 2000.
 6. Omitted by section 2 (1) of U.P. Act No. 08 of 2001.
 7. Subs. by section 2 of Uttarakhand Act No. 12 of 2002.

[The Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980] [Section 18-22]

CHAPTER VI

Telephone Facilities

Telephone to members 18- Every member shall be entitled to such facilities regarding telephone at [Dehradun or wherever the Capital exists]⁵ and the place of his normal residence or in his constituency as may be prescribed.

[Chapter VI-A

Medical facilities 18-A Every member of the Assembly [***]⁴, whether or not he holds any office mentioned in clause (i) of section 2, shall entitled in accordance with such principles as may be prescribed,-

(a) to receive a sum of [six thousand rupees]⁶ 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;

(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

CHAPTER VII

Facilities to the Leader of Opposition

[Salary, accommodation, conveyance and other facilities to the leader of Opposition. 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 the Council of Ministers.]²

20- [***]³

21- [***]³

21-A [***]³

22- [***]³

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1. Added by section 10 of U.P. Act No. 13 of 1986.
 2. Subs. by section 4 of U.P. Act No. 15 of 1989.
 3. Subs. by section 5 *ibid*.
 4. Omitted by section 2 (1) of U.P. Act No. 08 of 2001.
 5. Subs. by section 2 (3) *ibid*.
 6. Subs. by section 9 of Uttarakhand Act No. 9 of 2006.

[The Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980] [Section 23-24]

CHAPTER VIII

Pension to ex-Members

Meaning of certain expressions	23-	<p>For the purposes of this Chapter --</p> <p>[(a) the expression 'Assembly' or 'Council' shall include the United Provinces Legislative Assembly or the United Provinces Legislative Council respectively :-</p> <p>(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</p> <p>(ii) which functioned as a House of the provisional Legislature for the State under the Constitution of India.]¹</p> <p>(b) the expression year means any period of twelve calendar months;</p> <p>(c) the period during which a person has, by virtue of his membership in the Assembly [***]⁴, held any of the offices mentioned in clause (i) of section 2 shall also be taken into account for determining the term of such membership.</p>
[Pension to ex-member]	24-	<p>[(1)]³ Every person who has served as a member of the Assembly [***]⁴ for any period shall be entitled to a pension at the rate of [three thousand rupees]⁷ 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 [three hundred rupees]⁸ per month for every completed year in excess of one year.]²</p> <p>[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 who has been the speaker of the dissolved Assembly and has continued to be in office as such during the said period.]⁵</p> <p>[Explanation—Where a person has served as a member of the Assembly for the term of six months and above and has not completed one year then such person shall for the purpose of calculating the pension, be deemed to have served as a member for the year.]⁶</p> <p>[(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.]³</p>

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1. Added by section 5 of U.P. Act No. 13 of 1984.
 2. Subs. by section 7 of U.P. Act No. 4 of 1997.
 3. Renumbered by section 9 (b) of U.P. Act No. 30 of 1998.
 4. Omitted by section 2 (1) of U.P. Act No. 08 of 2001.
 5. Added by section 9 (c) of Uttarakhand Act No. 13 of 2005.
 6. Added by section 9 (d) *ibid*.
 7. Subs. by section 10 (a) by section 2 (1) of Uttarakhand Act No. 9 of 2006.
 8. Subs. by section 10 (b) *ibid*.

[The Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980] [Section 24A-27]

- [Conditions of pension payable to certain persons] 24-A Where a person becomes entitled to pension or additional pension under this Act on the ground that he has served as a member of a Assembly [***]⁸, constituted or in existence before January 1, 1946 such pension or additional pension, as the case may be, shall be deemed to be admissible to such person with effect from January 1, 1977.]¹
- Pension when not payable 25- Notwithstanding anything contained in section 24, no person shall be entitled to any pension under this Chapter in the following cases, namely :-
- (a) [***]⁶
- (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 [the amount of pension admissible under section 24]⁴ per month and he continues to be so employed or entitled to such remuneration;
- (c) [***]⁶
- (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 a member of the Legislative Assembly or the Legislative Council of any State or of either of the Houses of Parliament and continues to be such a member.
- [(f) where any pension ceases to be a citizen of India.]³
- Pension to be reduces in certain cases 26- Where in the circumstances mentioned in [clause (b)]⁷ of section 25, a person is entitled to a pension, salary or remuneration amounting to less than [the amount of pension admissible under section 24]⁵ 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 [two thousand fifty rupees]² per month.

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.

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1. Added by section 7 of U.P. Act No. 13 of 1984.
 2. Substituted by section 8 of U.P. Act No. 15 of 1989.
 3. Added by section 2 of U.P. Act No. 15 of 1991.
 4. Subs. by section 8 (b) of U.P. Act No. 4 of 1997.
 5. Subs. by section 9 *ibid*.
 6. Added by section 10 of U.P. Act No. 30 of 1998.
 7. Subs. by section 11 *ibid*.
 8. Subs. by section 2 of Uttarakhand Act No. 09 of 2006.

[The Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980] [Section 28-30]

Recovery of Government and other dues from members bills	<p>28- [(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, an amount equivalent to such dues, or where and payable advance has been provided by the Government to a member than an amount equivalent to such advance or any instalment thereof due from such member, together with interest, if any, shall be deducted by the [Secretary/Principal Secretary]² from the salary or travelling or daily or compensatory accommodation or any other allowance bill of such member.</p> <p>(1-A) In case of a person who has ceased to be 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 deducted from the amount of pension or any other amount payable to such person under this Act;]¹</p> <p>[Provided that if any other Government dues are reported against such person whether it is for the period of the membership or for the period he is not to a member shall also be deducted from the pension of such person.]³</p> <p>(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 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.</p>
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 the 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 be necessary or expedient:</p> <p>Provided that no such order shall be made after the expiry of two years from the 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>

1. Substituted by section 7 of U.P. Act No. 22 of 1986.

2. Subs. by section 2 of Uttarakhand Act No. 09 of 2006.

3. Added by section 11 *ibid*.

[The Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980] [Section 31]

(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 by new rules made under sub-section (1).

Repeal
U.P. Act 12
of 1952

31- The Uttar Pradesh Legislative Chambers (Members Emoluments and Pension) Act, 1952 is hereby repealed.
