

## ORISSA ACT 3 OF 1977

**THE ORISSA LEGISLATIVE ASSEMBLY MEMBERS' SALARIES  
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## ORISSA ACT 3 OF 1977

**\*THE ORISSA LEGISLATIVE ASSEMBLY MEMBERS'  
SALARIES AND ALLOWANCES (AMENDMENT) ACT, 1977**

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AN ACT TO AMEND THE ORISSA LEGISLATIVE ASSEMBLY  
MEMBERS' SALARIES AND ALLOWANCES ACT, 1954

**B**E it enacted by the Legislature of the State of Orissa in the Twenty-eighth Year of the Republic of India, as follows :—

Short title

1. This Act may be called the Orissa Legislative Assembly Members' Salaries and Allowances (Amendment) Act, 1977.

Amendment  
of long title.

2. In the Orissa Legislative Assembly Members' Salaries and Allowances Act, 1954 (hereinafter referred to as the principal Act), <sup>Orissa Act 19 of 1954.</sup> in the long title, for the words "salaries and allowances", the words "salary, allowances and pension" shall be substituted.

Amendment  
of section 1.

3. In section 1 of the principal Act, in sub-section (1), for the words "Salaries and Allowances", the words "Salary, Allowances and Pension" shall be substituted.

Insertion of  
new section  
4-B.

4. After section 4-A of the principal Act, the following section shall be inserted, namely:—

Pension

"4-B. (1) With effect from the commencement of the Orissa Legislative Assembly Members' Salaries and Allowances (Amendment) Act, 1977, there shall be paid a pension of three hundred rupees per mensem to every person who has held office for a period of five years, whether continuous or not as a member of the Assembly:

Provided that where any person has held office as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of thirty rupees per mensem for every year in excess of five, so however, that in no case the pension payable to such person shall exceed four hundred and fifty rupees per mensem.

*Explanation—(i)* The period for which a person has held office as a member of the Assembly shall mean—

- (a) where such person is elected in a general election held for the purpose of constituting a new Assembly, the period beginning with the date of publication of the notification of the Election Commission under section 73 of the Representation of the People Act, 1951; or <sup>43 of 1951</sup>
- (b) where such person is elected in a bye-election to the Assembly, the period beginning with the date of his election referred to in section 67-A of the said Act,

and ending with, in each case, the date on which his seat becomes vacant.

(ii) In computing the aforesaid period—

- (a) the period preceding the 26th day of January, 1950 for which a person has held such office, shall not be taken into account ; and
- (b) if the period falls short of less than 30 days, it shall be regarded as full period of five years; or one year, as the case may be, for the purpose of this section.

(2) Where any person entitled to pension under sub-section (1)—

- (i) 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 of any Legislative Assembly ; 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 any State Government, or under any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authority,

such persons 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 where 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.

(3) 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 from 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.

(4) In computing the number of years for the purpose of subsection (1) the period during which a person has served as Minister or Speaker or Deputy Speaker as defined in the Orissa Ministers' Salaries and Allowances Act, 1952 or the Orissa Legislative Assembly Speaker's Salary and Allowances Act, 1960 or the Orissa Deputy Speaker's Salary and Allowances Act, 1959 respectively by virtue of his membership in the Assembly shall also be taken in to account." Orissa Act 20 of 1952. Orissa Act 24 of 1960. Orissa Act 25 of 1959.

Amendment  
of section 7.

5. In section 7 of the Principal Act, after clause (d) of subsection (2), the following clause shall be inserted, namely :—

“(e) for regulating the payment of pension.”