



# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, एप्रिल १९, २००६/चैत्र २९, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Legislature Members' Pension (Amendment) Bill, 2006 (L.A. Bill No. LI of 2006), introduced in the Maharashtra Legislative Assembly on the 18th April 2006, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,  
Secretary to Government,  
Law and Judiciary Department.

L. A. BILL No. LI OF 2006.

*A BILL*

*further to amend the Maharashtra Legislature Members' Pension Act, 1976.*

Mah. WHEREAS it is expedient further to amend the Maharashtra  
I of 1977. Legislature Members' Pension Act, 1976, for the purposes  
hereinafter appearing; it is hereby enacted in the Fifty-seventh  
Year of the Republic of India as follows:—

1. This Act may be called the Maharashtra Legislature Short title.  
Members' Pension (Amendment) Act, 2006.

Amend-  
ment of  
section 4A  
of Mah. 1 of  
1977.

2. In section 4A of the Maharashtra Legislature Members' Pension Act, 1976,—

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1 of  
1977.

(a) in sub-section (2),—

(i) for the figures, letters and words "1st day of August 1993" the figures, letters and words "1st day of January 2006" shall be substituted;

(ii) for the word "widow" the words "widow or widower" shall be substituted;

(iii) for the words "rupees one thousand" the words "rupees three thousand" shall be substituted;

(b) in sub-section (2A),—

(i) for the figures, letters and words "1st day of August 1993" the figures, letters and words "1st day of January 2006" shall be substituted;

(ii) for the word "widow" the words "widow or widower" shall be substituted;

(iii) for the words "rupees one thousand" the words "rupees three thousand" shall be substituted;

(c) after sub-section (2A), the following sub-sections shall be inserted, namely:—

"(2B) Notwithstanding anything contained in sub-sections (1), (2) or (2A), but subject to the provisions of sub-section (3), there shall be paid a pension to the widow or widower of the member of the State Legislature, who was not entitled to pension under the Act, from the 1st September 2000 to the 31st December 2005, at the rate of rupees one thousand per month; and with effect from the 1st January 2006, at the rate of rupees three thousand per month.

(2C) With effect from the 1st January 2006, where the widow or the widower of the deceased member is survived by a minor child or children of such member, there shall be paid a pension per month to such minor child or children at the same rate at which the pension was payable to the widow or widower, and such pension shall be paid in such manner as may be prescribed by rules."

(d) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Where such widow or widower has re-married, then she or he shall not be entitled to the pension under this section from the date of such re-marriage."

(e) in the marginal note, for the words "widow of member" the words "widow, widower or minor child of member" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS.

Section 4A of the Maharashtra Legislature Members' Pension Act, 1976 (Mah. I of 1977), provides for the payment of pension to the widows of certain members of the State Legislature generally at the rate of fifty per cent. of the amount of pension payable to such member on the date of his death or rupees one thousand, whichever is more.

2. There has been a constant demand for payment of pension, from the widows of the members who have died before completion of their full tenure or who, for some reasons other than disqualification, have not been able to complete their tenure and consequently were not entitled to pension under the Act.

3. The Government has, after considering such demand, decided that there shall be paid a pension,—

(a) to the widow or widower of the member of the State Legislature, who was not entitled to pension under this Act,—

(i) with effect from the 1st September 2000 till the 31st December 2005, at the rate of rupees one thousand per month; and

(ii) with effect from the 1st January 2006, at the rate of rupees three thousand per month; and

(b) to the widow or the widower of the member of the State Legislature, who was entitled to pension under this Act, with effect from the 1st January 2006, at the rate of fifty per cent. of the amount of pension payable to such member on the date of his death or rupees three thousand per month, whichever is more; and

(c) if the widow or the widower, of the member of the State Legislature, is survived by a minor child of the deceased member, to such minor child, with effect from the 1st January 2006, at the same rate at which the pension was payable to the widow or widower of the member subject to rules as may be prescribed.

4. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 13th April 2006.

HARSHAVARDHAN PATIL,  
Minister for Parliamentary Affairs.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

*Clause 2.*—By this clause, which *inter-alia* seeks to insert new sub-section (2C) in section 4A of the Maharashtra Legislature Members' Pension Act, 1976, power is taken to make the rules for prescribing the manner in which the pension shall be paid to a minor child or children of the deceased member of the State Legislature.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

## FINANCIAL MEMORANDUM

The Bill would involve the following additional expenditure from the Consolidated Fund of the State, on its enactment as an Act of the State Legislature, namely :—

(a) The provisions regarding the pension payable to the widows of members of the State Legislature are proposed to be amended. The total number of such widows at present is approximately 324 and hence, the additional recurring expenditure on this count is estimated to Rs. 1 crore and 17 lakh per year and the non-recurring expenditure for payment of arrears to them on this count is estimated to Rs. 2 Crore and 47 lakh.

(b) It has also been proposed to sanction pension to the widower of a member. At present, the total number of such widowers is approximately 30 and hence, the additional recurring expenditure on this count is estimated to Rs. 10 lakh and 80 thousand per year and the non-recurring expenditure for payment of arrears to them on this count is estimated to Rs. 2 lakh and 28 thousand.

(c) It has also been proposed to sanction pension to the minor children of a deceased member on the death of the widow or the widower of the member of the State Legislature. As the exact number of minor children who would be eligible for pension cannot be ascertained, the additional recurring expenditure and the non-recurring expenditure on this count cannot be exactly estimated.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF  
THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order,  
Law and Judiciary Department)

In exercise of the powers conferred upon him by clause (3) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the consideration of the Maharashtra Legislature Members' Pension (Amendment) Bill, 2006.