

3 'THE PUNJAB LEGISLATIVE ASSEMBLY (GRANT OF ADVANCE TO SPEAKER AND DEPUTY SPEAKER)

RULES, 1979

(Framed Under Section 4(4) of the Act)

1. Short Title.- These rules may be called the Punjab Legislative Assembly (Grant of Advance to Speaker and Deputy Speaker) Rules, 1979.

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context:-

- (a) 'Act' means the Punjab Legislative Assembly Speaker's and the Deputy Speaker's Salaries Act, 1937 (Punjab Act No. III of 1937);
- (b) 'Family' means the spouse of the Speaker or Deputy Speaker and the legitimate children and step children residing with and wholly dependent upon the Speaker and Deputy Speaker;
- (c) "Form" means a form appended to these Rules;
- (d) 'Government' means the Government of the State of Punjab in the Department of General Administration (Parliamentary Affairs Branch);
- (e) 'Sanctioning Authority' means the Secretary of the Punjab Vidhan Sabha.

3. Application for the grant of advance for the construction of house- The Speaker or the Deputy Speaker desirous of getting advance for the construction of a house shall apply to the Sanctioning Authority in Form 'A'.

4. Conditions for grant of house building advance.- The Sanctioning Authority shall sanction a repayable advance for the construction of a house subject to the following conditions:-

- (i) The Speaker or the Deputy Speaker concerned must certify that the advance is actually required for building a house for occupation by himself, where he intends to settle down;
- (ii) The land or plot which is free-hold or lease-hold alongwith building to be erected thereupon shall be mortgaged to the Government in Form 'B' or Form 'C' as the case may be, before any instalment of advance is drawn by the Speaker or the Deputy Speaker;
- (iii) The advance shall be disbursed in four instalments depending upon the stage of construction and the amount of each instalment shall be as under:-

¹Notified in Punjab Government Gazette Supplement Part III, dated 4th December, 1979, v page 940.

- (a) first instalment: equal to twenty per cent of the advance at the time of starting construction;
- (b) second instalment: equal to twenty per cent of the advance after the house has been completed up to plinth level;
- (c) third instalment: equal to thirty per cent of advance after the house has been constructed up to roof level;
- (d) fourth instalment: equal to thirty per cent, i.e. the balance amount of the advance, after the roof has been completed;

Provided that the second and subsequent instalments shall be released only when the Speaker or the Deputy Speaker furnishes an affidavit to the Sanctioning Authority to the effect that the amount of an instalment previously drawn has actually been utilised for the purpose for which it was drawn.

(i) The Speaker or the Deputy Speaker shall forthwith refund to the Government the amount, if any, which is not spent for the purpose for which it was drawn.

(ii) The house shall be maintained in good condition at the cost of Speaker or Deputy Speaker concerned and municipal and other local taxes in respect of the house shall be regularly paid by him until the advance alongwith interest is repaid to the Government.

5. Advance for purchasing a house.- (1) The Speaker or the Deputy Speaker desirous of getting advance for purchasing a house shall apply to the Sanctioning Authority in Form 'D'.

(2) The application referred to in sub-rule (1) shall be accompanied by an agreement to sell in Form 'E' executed by the intended seller.

6. Conditions for Grant of advance for purchase of a house.- The Sanctioning Authority shall sanction the repayable advance for purchase of a house to the Speaker or the Deputy Speaker subject to the following conditions:-

(i) The house must be purchased within one month from the drawal of the said advance;

(ii) A satisfactory proof of the purchase of the house shall be submitted to the Sanctioning Authority immediately after the purchase is made;

(iii) The Speaker or the Deputy Speaker shall within a fortnight refund the surplus amount to the Government, if the amount of advance is more than what is actually spent for the purchase of a house;

(iv) The Speaker or the Deputy Speaker shall mortgage the house purchased with the advance and built on a plot which is free-hold or lease-hold in favour of the Governor of Punjab in Form 'B' or Form 'C' as the case may be, within a period of fifteen days from the date of purchase thereof;

(v) The house shall be maintained in good condition at the cost of the Speaker or the Deputy Speaker concerned and the municipal and other local taxes in respect of the house shall regularly be paid by him until the advance alongwith interest is repaid to the Government.

7. Grant of advance for the purchase of motor-car.- (1) The Speaker or the Deputy Speaker desirous of getting advance for the purchase of motor-car, shall apply to the Sanctioning Authority in Form 'F' accompanied by an irrevocable Bank Guarantee worth not less than the amount of advance required or a surety bond in Form 'H' executed by the person having immovable property worth not less than the amount of advance required.

(2) The Sanctioning Authority shall sanction a repayable advance to the Speaker or the Deputy Speaker for the purchase of a motor car, subject to the following conditions:-

- (i) The Speaker or the Deputy Speaker shall execute an agreement in Form (I) before the drawal of the advance;
- (ii) The Speaker or the Deputy Speaker shall purchase the motor car within a period of one month from the date of drawal of the advance;
- (iii) The Speaker or the Deputy Speaker shall hypothecate the motor car in favour of the Government in Form 'G' before its registration or within a period of fifteen days from the date of purchase thereof, whichever is earlier;
- (iv) The Speaker or the Deputy Speaker shall get motor car comprehensively insured during the period the advance alongwith interest is not fully repaid; and
- (v) The Speaker or the Deputy Speaker shall, while applying for registration, state that the motor-car is subject to hypothecation in favour of the Government as envisaged in Form 'E' set forth in the first schedule appended to the Motor Vehicle Act, 1939.

The Sanctioning Authority shall furnish to the Accountant-General, Punjab a certificate to the effect that a deed in Form 'G'

hypothecating the motor car in favour of the Government has been got executed from the Speaker or the Deputy Speaker and that it has been found to be in order.

8. Safe custody of the mortgage deeds.-The Sanctioning Authority shall ensure that the mortgage deeds, surety bond and the hypothecation deed referred to in Rules 4, 6 and 7 are duly executed and placed by him in safe custody.

9. Disbursement of advance- The amount of advance sanctioned under Rules 4, 6 and 7 shall be drawn and disbursed to the Speaker or the Deputy Speaker by the Sanctioning Authority.

10. Misutilization of the advance or furnishing of false information.- Utilization of the advance for a purpose other than that for which it is sanctioned or furnishing of the false certificate or making any false statement in the application for obtaining advance shall render the Speaker or the Deputy Speaker liable to refund to the Government forthwith entire advance drawn by him alongwith interest in addition to penal interest at such rate as may be specified by the Government from time to time.

11. Interest.- In respect of the advances sanctioned under Rules 4, 6 and 7, the interest shall be charged at the ¹[rate of 6% per annum].

- Notes:**
- (1) The interest shall be rounded off to the nearest rupee i.e. less than fifty paise shall be ignored while fifty paise and above shall be taken as a rupee.
 - (2) The interest shall be calculated on balance outstanding on last day of each month by the Sanctioning Authority.
 - (3) In case, where the advance is drawn in more than one instalment, the rate of interest applicable shall be determined with reference to the date on which the first instalment is drawn.
 - (4) The interest shall also be recoverable alongwith the principal amount in the manner indicated in Rule 13.
 - (5) The audit office shall check the correctness of the interest to be recovered from the Speaker or the Deputy Speaker.

12. Penal interest.- Without prejudice to any other action that may be taken under these rules, the Speaker or the Deputy Speaker who is found to have misutilised the advance or has not fulfilled all or any of the conditions of the sanctions or has retained the amount of the advance

¹Substituted vide Gazette Notification No. GSR-33/P.A.3/37/S/Amd. (2)97, dated 2nd July, 1997 w.e.f. 25th March, 1996.

beyond the period specified for utilization, a penal interest shall be charged at such rate, as the Government may, from time to time, specify.

13. Recovery of advances.- (1) The advances sanctioned under Rules 4, 6 and 7 shall be repayable in equated monthly instalments commencing from the month immediately succeeding that in which the advance has been drawn. The installments of the advance shall be so regulated that the entire amount of advance alongwith interest is recovered from the Speaker or the Deputy Speaker within a period of '[fifteen years], from the date of drawal of the advance:

Provided that if the Speaker or the Deputy Speaker fails to pay any installment of the advance on the due date, the whole amount of advance or so much thereof as shall then remain due and unpaid alongwith the interest shall become payable immediately:

Provided further that in the event of demise of the Speaker or the Deputy Speaker, the amount of advance or so much thereof as shall then remained due and unpaid shall become payable forthwith to Government with interest due thereon and in the event of failure by the legal heirs of the Speaker or the Deputy Speaker to deposit the same within a period of one month from the date of demise, the same shall be recovered from sale of the property mortgaged.

The amount of advance alongwith interest or any balance due, from the Speaker or the Deputy Speaker shall without, prejudice to other rights and the remedies of the Government also be recoverable from the pension, if any, admissible to him under the Punjab State Legislature Members (Pension and Medical Facilities Regulation) Act, 1977.

14. Sale of House or Motor-Car.- The House constructed or purchased, and the motor car, purchased with the aid of advance under these rules shall not be sold without previous permission of the Government so long such advance together with interest accrued thereon has not been fully repaid.

15. Repeal and Savings.- The Punjab Legislative Assembly Speaker's/ Deputy Speaker's (Advance for Motor-Car) Rules, 1955 are hereby repealed:

Provided that any order made or any action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

¹Substituted vide Gazette Notification No. GSR-33/P.A.3/37/S/Amd. (2)97, dated 2nd July, 1997 w.e.f. 25th March, 1996.