

**The Tripura Family pension (Members of the
Legislative Assembly) Rules, 2011**

TRIPURA



GAZETTE

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LAW (PARLIAMENTARY AFFAIRS) DEPARTMENT
GOVERNMENT OF TRIPURA
CIVIL SECRETARIAT

No.F.2 (1) LAW (PA)-2011

Dated, Agartala, the 23rd April, 2011

N O T I F I C A T I O N

In exercise of the powers conferred by section 18 of Salaries, Allowances, Pensions and Other Benefits of The (Ministers, Speakers, Deputy Speaker, Leader of Opposition, Government Chief Whip And The Members of The Tripura Legislative Assembly) Tripura Act 2008 and all other powers enabling him in this behalf the Governor of Tripura in consultation with the Speaker Tripura Legislative Assembly is pleased to make the following rules to regulate the payment of "Family Pension" and matters incidental thereto of the Members of Tripura Legislative Assembly.

1. SHORT TITLE & COMMENCEMENT:-

- (i) These rules may be called the Tripura Family Pension (Members of the Legislative Assembly) Rules, 2011.
- (ii) They shall be deemed to have come into force with effect from their date of publication in the official gazette.

2. DEFINITION:-

- (i) In these rules, unless there is anything repugnant to the subject or context;
- (a) "Act" means The Salaries, Allowances, Pensions and Other Benefits of The (Ministers, Speakers, Deputy Speaker, Leader of Opposition, Government Chief Whip And The Members of The Tripura Legislative Assembly) Tripura Act 2008.
- (b) "Father" includes adoptive parents in the case of individuals, whose personal law permits adoption,
- (c) "Husband" includes judicially separated husband in the case of a female member,
- (d) "Mother," includes adoptive parents in the case of individuals whose personal law permits adoption,;
- (e) "Member" means eligible member of Tripura Legislative Assembly
- (f) "Sons" includes stepsons and adopted sons & include minor children of a pre-deceased son.
- (g) "Schedule" means a Schedule appended to these rules;
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(h) "Secretary" means secretary to the Tripura Legislative Assembly

(i) "Unmarried daughters" includes unmarried, divorced, widowed daughters as well as, stepdaughters and adopted daughters,

(j) "Wife" includes judicially separated wife in the case of a male member,

(ii) All reference to forms in these rules shall be construed as references to forms set out in the schedules appended hereto

(iii) All other words and expressions used herein and not defined but defined in the Act shall have the same meaning assigned to them in the Act.

3. Quantum, Period for which Family Pension is payable:-

(i) Quantum of family pension payable shall be as per provisions of the Act.

(ii) The period for which family pension is payable shall be as follows:-

(a) in the case of a widow or widower, up to the date of death or re-marriage, whichever is earlier;

(b) in the case of a son, until he attains the age of twenty-five years; and

(c) in the case of an unmarried daughter, as long as she remains dependent or until she gets married, whichever is earlier:

Provided that if the son or daughter of a Member is suffering from any disorder or disability of mind including mentally retarded or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of twenty-five years, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely:-

(1) if such son or daughter is one among two or more children of the Member, the family pension shall be initially payable to the minor children in the order set out in Clause (b) of section 18 (2) of the Act until the last minor child attains the age of twenty-five and thereafter the family pension shall be resumed in favor of the son or daughter suffering from disorder or disability of mind including mentally retarded or who is physically crippled or disabled and shall be payable to him/her for life ;

(iii) The family pension shall also be payable to family members of member's who commits suicide.

4. Family Pension payable to only one member of the family

Except as provided in Rule 3 sub-rule (ii), the family pension shall not be payable to more than one member of the family at the same time.

5. Family Pension payable to minor

When family pension is granted under this rule to a minor, it shall be payable to the guardian on behalf of the minor. The guardian of the minor shall furnish an indemnity bond in prescribed form to the Secretary before sanction of family pension.

6. Limit of Family Pension payable

In case both wife and husband are governed by the provisions of this rules and one of them dies, the family pension in respect of the deceased shall become payable to the surviving husband or wife and in the event of the death of the husband or wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents, subject to a maximum of Rs 4500 per month.

7. Bar to payment of Family Pension

(i) If a person, who in the event of death of a member, is eligible to receive family pension under this rule, is charged with the offence of murdering member or for abetting in the commission of such an offence, the claim of such a person, including other eligible member or members of the family to receive the family pension, shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(ii) If on the conclusion of the criminal proceedings referred to in clause (i), the person concerned –

(a) is convicted for the murder or abetting in the murder of the member, such a person shall be debarred from receiving the family pension which shall be payable to other eligible member of the family, from the date of death of the member,

(b) is acquitted of the charge of murder or abetting in the murder of the member, the family pension shall be payable to such a person from the date of death of the member.

(2) if there are more than one such children suffering from disorder or disability of mind including mentally retarded or who are physically crippled or disabled, the family pension shall be paid in the order of their birth and the younger of them will get the family pension only after the elder next above him/her cease to be eligible :

Provided that where the family pension is payable to twin children it shall be paid in equal shares;

(3) the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor except in the case of the physically crippled son or daughter who has attained the age of majority ;

before allowing the family pension for life to any such son or daughter, the Secretary shall satisfy that the handicap is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of a Civil Surgeon setting out, as far as possible, the exact mental or physical condition of the child;

(4) the person receiving the family pension as guardian of such son or daughter or such son or daughter not receiving the family pension through a guardian shall produce every three years a certificate from a medical officer not below the rank of a Civil Surgeon to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

(5) in the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the member or the family pensioner, as the case may be, and in case no such nomination has been furnished to the Secretary by such member or pensioner during his lifetime, to the person nominated by the spouse of member or family pensioner, as the case may be, later on.

EXPLANATIONS. -

(a) A daughter shall become ineligible for family pension under this sub-rule from the date she gets married.

(b) The family pension payable to such a son or daughter shall be stopped if he or she starts earning his or her livelihood. A person earning more than three thousand rupees per month shall be considered to be earning his or her livelihood.

(c) In such cases it shall be the duty of the guardian or son or daughter to furnish a certificate to the Treasury or Bank, as the case may be, every month that (i) he or she has not started earning his or her livelihood; (ii) in case of daughter that she has not yet married.

8. Furnishing of details of family for purpose of Family Pension

(i) As soon as a member takes oath of office, he shall give details of his family in prescribed form to the Secretary;

(ii) If the member has no family, he shall furnish the details in prescribed form as soon as he acquires a family;

(iii) The member shall communicate to the Secretary any subsequent change in the size of his family, including the fact of marriage of his female child.

9. Relaxation

The Speaker, Tripura Legislative Assembly in consultation with the Governor may relax the provisions of these rules

By Order of the Governor

APJ 23/4/11
Arindam Paul

DLR & Deputy Secretary

SCHEDULE

Form 1

(Details of Family Members to be given by the Member on taking
oath of office/aquiring family as per rule 8)

To

The Secretary

Tripura Legislative Assembly

Subject: - Details of family for purpose of family pension

Sir,

I would like to furnish herein the details of my family which is as under;

Name of the Family Member	Relashionship with the Member
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The information provided is correct to the best of my konwledge and Assembly
Secreteriate has no liability for any action taken on the above information

Yours sincerely

(Name of Member)

Form 2

(Details of Family Members to be given by the Member on change of size of family due to marriage etc. as per rule 8)

To

The Secretary

Tripura Legislative Assembly

Subject: - Intimation as to change in the size of family due to marriage etc.

Sir,

There has been change in the size of my family caused due to marriage etc. I would like to furnish herein the details of my family which is as under;

Name of the Family Member	Relashionship with the Member
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The information provided is correct to the best of my knowledge and Assembly Secreteriate has no liability for any action taken on the above information.

Yours sincerely

(Name of Member)

INDEMNITY BOND

(See Rule 5)

KNOW ALL MEN by these presents that we (a).....(b).....the widow/son/brother, etc., of (c).....deceased, resident ofof and son/wife/daughter of resident of the sureties for and on behalf of the Obligor (hereinafter called "the Sureties") are held firmly bound to the President of India (hereinafter called " the Government") in the sum of Rs..... (Rupees.....only) well and truly to be paid to the Government on demand and without a demur for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these presents.

Signed thisday oftwo thousand and

WHEREAS (c).....was at the time of his a sitting Member of the Tripura Legislative Assembly.

AND WHEREAS the said(c)died on theday of 20..... and a sum of Rs.....(Rupees only per month) is due to his minor son/daughter in the as family pension..

AND WHEREAS the Obligor claims to be entitled to the said sum as de facto guardian of the minor son/daughter of the saidbut has not obtained till the date of these presents the certificate of guardianship from any competent Court of Law in respect of the said minor(s).

AND WHEREAS the Obligor has satisfied the (e).....that he/she is entitled to the aforesaid sum and that it would cause undue delay and hardship if the Obligor be required to produce the certificate of guardianship from the competent Court of Law before payment to him of the said sum of Rs.....

AND WHEREAS the Government has no objection to the payment of the said sum to the Obligor but under Government Rules and Orders, it is necessary for the Obligor to first execute a bond with one surety/two sureties to indemnify the Government against all claims to the amount so due as aforesaid to the saidbefore the said sum can be paid to the Obligor.

AND WHEREAS the Obligor and at his/her request the surety/sureties have agreed to execute the bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that if after payment has been made to the Obligor, the Obligor and/or the surety/sureties shall in the event of a claim being made by any other person against the Government with respect to the aforesaid sum of Rs. refund to the Government the said sum of Rs.....and shall otherwise indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of the claim thereto THEN the above written bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the surety/sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties, shall but for this provision have the effect of so relating the surety/sureties from such liability

nor shall it be necessary for the Government to sue the Obligor before suing the surety/sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the surety/sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above written.

Signed by the abovenamed 'Obligor' in the presence of

1.
2.

Signed by the abovenamed 'Surety/Sureties'

1.
2.

Accepted for and on behalf of the Governor of Tripura by

.....
[Name and designation of the Officer directed or authorised, in pursuance of Article 299 (1) of the Constitution, to accept the bond for and on behalf of the Governor] in the presence of

.....
(Name and designation of witness)

Certificate of Non employment

(see rule3(ii) explanation (c))

To

The Secretary

Tripura Legislative Assembly

Subject: - Nomination for the purpose of family pension payable to mentally retarded child.

Sir,

I hereby nominate sri/smti.....son/daughter of

Resident of.....PS.....PO.....

to receive family pension on behalf of my mentally son/daughter after my death.

Assembly Secreteriate/Government shall not be held liable for any action taken on behalf of the above nomination and their responsibility shall be discharged on payment being made to the nominee.

Yours sincerely

(Name of Member)

*In the event of death of member his spouse may also nominate

NOMINATION

(see rule3(ii) proviso (5))

To

The Manager/Treasury Officer

Subject - Certificate of nonemployment

Sir,

I hereby certify that/I have not taken up any employment and is yet to start earning my livelihood/ sri/smti.....son/daughter of deceased.....

Ex member of TLA is yet to start earning his/her livelihood.

The information provided is correct to the best of my knowledge and Assembly Secreteriate/bank treasury is indemnified for any action taken on the above information

Yours sincerely

(guardian/son/duaghter
of late.....ex MLA)

Certificate of Disability

(see rule3(ii) explanation (c))

To

The Secretary

Tripura Legislative Assembly

Subject: Certificate of Disability

Sir,

I have examined Sri/smti.....son/daughter of

Resident of.....PS.....PO.....

aged.....who is suffering from.....%(percent) disability
and it is of such a nature that it prevents him from earning his/her livelihood.

.....

Signature/thumb impresssion of person examined

Yours sincerely

(Authorised Medical
Officer/Civil Surgeon)

Date:-

Place:-