

West Bengal Parliamentary Secretaries (Appointment, Salaries, Allowances and Miscellaneous Provisions) Act, 2012

WEST BENGAL

India

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Act 34 of 2012

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West Bengal Parliamentary Secretaries (Appointment, Salaries, Allowances and Miscellaneous Provisions) Act, 2012(West Bengal Act 34 of 2012)Last Updated 13th January, 2020[Passed by the West Bengal Legislature.][Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the 11th January, 2013.]An Act to provide for the Appointment, Salaries, Allowances and other Miscellaneous provisions of the Parliamentary Secretaries in the State of West Bengal.Whereas it is expedient to provide for the Appointment, Salaries, Allowances and other Miscellaneous provisions of the Parliamentary Secretaries in West Bengal and for matters connected therewith and incidental thereto;It is hereby enacted in the Sixty-third Year of the Republic of India, by the Legislature of West Bengal, as follows:-

1. Short title and commencement.

(1)This Act may be called the West Bengal Parliamentary Secretaries (Appointment, Salaries, Allowances and Miscellaneous Provisions) Act, 2012.(2)It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Chief Minister" means the Chief Minister of West Bengal;(b)"Member" means a Member of the West Bengal Legislative Assembly;(c)"Parliamentary Secretary" means a Member of the West Bengal Legislative Assembly appointed as the Parliamentary Secretary under this Act by the Chief Minister;(d)"Prescribed" means prescribed by the rules made under this Act; and(e)"Specified" means specified by

notification published in the Official Gazette.

3. Appointment of Parliamentary Secretary.

- The Chief Minister may, having regard to the circumstances and the need of the situation, at any time appoint such number of Parliamentary Secretaries and assign to each of them such duties and functions as he/she may deem fit and proper.

4. Rank, status, powers and functions of Parliamentary Secretary.

- A Parliamentary Secretary shall be of the rank and status of a Minister of State or Deputy Minister and shall exercise such powers, discharge such functions and perform such duties as may be assigned to him by the Chief Minister by way of a notification published in the Official Gazette.

5. Functions and duties of Parliamentary Secretary.

- The functions and duties of Parliamentary Secretary shall be such as may be specified.

6. Oath of office and secrecy.

- The Parliamentary Secretary shall, before entering upon his office, take an oath of office and secrecy in such manner as may be prescribed.

7. Salary and allowances of Parliamentary Secretary.

- A Parliamentary Secretary shall be entitled to such salary and allowances as are admissible to a Minister of State or a Deputy Minister, as the case may be, under the West Bengal Salaries and Allowances Act, 1952 (West Ben. Act V of 1952).

8. Parliamentary Secretary not to draw salary and allowances as Member.

- Notwithstanding anything contained in any other law for the time being in force a Parliamentary Secretary shall not, while he draws salary and allowances for his office as such Parliamentary Secretary, be entitled to any salary or allowances as a Member of the West Bengal Legislative Assembly or under any laws for the time being in force.

9. Parliamentary Secretary not to practice profession etc.

- A Parliamentary Secretary shall not, during his office as such Parliamentary Secretary, practice any profession or engage in any trade or commerce and undertake for remuneration any employment other than his duties as such Parliamentary Secretary.

10. Power to make rules.

(1)The State Government may, by notification, make rules for carrying out the purposes of this Act.(2)Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

11. Power to remove difficulty.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:Provided that no such order shall be made after the expiry of a period of two years from the date of publication of this Act in the Official Gazette.