

The M.P. Adhyaksha Tatha Upadhyaksha (Vetan Tatha Bhatta) Adhiniyam, 1972

MADHYA PRADESH

India

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Act 27 of 1972

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The M.P. Adhyaksha Tatha Upadhyaksha (Vetan Tatha Bhatta) Adhiniyam, 1972(No. 27 of 1972)[Dated 2nd September, 1972]Received the assent of the Governor on the 2nd September, 1972; assent first published in the "Madhya Pradesh Gazette", Extraordinary, dated 2nd September, 1972.An Act to provide for the Salaries and Allowances of the Speaker and Deputy Speaker of the Madhya Pradesh Legislative Assembly.Be it enacted by the Madhya Pradesh Legislature in the Twenty-third year of the Republic of India as follows :-

1. Short title.

- This Act may be called The Madhya Pradesh Adhyaksha Tatha Upadhyaksha (Vetan Tatha Bhatta) Adhiniyam, 1972.

2. [Salary of Speaker and Deputy Speaker. [Substituted, by M.P. Act 17 of 1988 (1-4-1988).]

- There shall be paid to the Speaker and Deputy Speaker a salary of [four thousand] rupees per mensem].

3. [Sumptuary allowance, Constituency allowance and daily allowance to the Speaker and the Deputy Speaker. [Substituted, by Presi. Act 9 of 1993 (25-1-1993).]

(1)There shall be paid to the Speaker a sumptuary allowance of [eight thousand] rupees per mensem and to the Deputy Speaker a sumptuary allowance of [five thousand] [Substituted, by M.P. Act 26 of

2001, Section 2 for 'one thousand five hundred' (w.e.f. 1-10-2001).] rupees per mensem;(2)There shall be paid to the Speaker and the Deputy Speaker a constituency allowance of [eight thousand] [Substituted, by M.P. Act 26 of 2001 Section 3 for 'three thousand' (w.e.f. 1-10-2001).] rupees per mensem.(3)There shall be paid to the Speaker and the Deputy Speaker a daily allowance of [five hundred] [Substituted, by M.P. Act 26 of 2001, Section 3 for 'two hundred' (w.e.f. 1-10-2001).] rupees per day.]

4. Residence to Speaker and Deputy Speaker.

(1)The Speaker and tin Deputy Speaker shall be entitled, without payment of rent to the use of a furnished residence throughout his term of office at Bhopal and for the period of one month immediately thereafter, and no charge shall fall on the Speaker or the Deputy Speaker personally in respect of the maintenance of such residence.Explanation. - (1) For the purposes of this section "residence" includes the staff quarters and other building appurtenant thereto and the garden thereof, and "maintenance" in relation to a residence includes the payment of local rates and taxes and the provision of electricity and water.(2)If the Speaker or the Deputy Speaker does not avail of the benefit of sub-section (1), he shall, in lieu thereof, be entitled to a house rent allowance equal to twenty per centum of the salary payable to him under Section 2.(3)In addition to a free furnished residence at Bhopal under sub-section (1), the Speaker and Deputy Speaker shall also be entitled to the use of a furnished residence without payment of rent at any other place which the State Government may, from time to time for purpose of this Act, declare to be the place of official residence of the Speaker or the Deputy Speaker, as the case may be, so long as such declaration remains in force.(4)The expenditure to be incurred in respect of furnishing of the residence provided to the Speaker and Deputy Speaker under sub-section (1) shall, in the case of residence provided to the Speaker, be subject to the monetary limit of thirty five thousand rupees and in the case of residence provided to the Deputy Speaker, be subject to the monetary limit of twenty five thousand rupees.(5)The annual expenditure to be incurred in respect of upkeep, annual repairs and maintenance of the residence and garden provided under sub-section (1) shall be subject to such monetary limits as may be laid down by rule made in this behalf by the State Government.

5. Conveyance for Speaker and Deputy Speaker.

(1)There shall be provided to the Speaker and Deputy Speaker for his use a suitable motor vehicle purchased and maintained at public expenses in accordance with the rules to be made by the State Government in that behalf.(2)The State Government shall also provide at public expense [two chauffeurs] [Substituted by M.P. Act 22 of 1981.] for each such motor vehicle, and also supply for each motor vehicle, motor fuel consumed for journeys (other than journeys for which travelling allowance is admissible) performed by each such motor vehicle subject to a maximum of three hundred and fifty litres per month in the case of a motor vehicle provided to the Speaker and three hundred litres per month in the case of a motor vehicle provided to the Deputy Speaker.

6. [Medical attendance and treatment etc. to the Speaker and the Deputy Speaker. [Substituted by M.P. Act 13 of 1989 (w.e.f. 11-4-1989).]

(1)The Speaker and the Deputy Speaker and members of the family of the Speaker or the Deputy Speaker, as the case may be, shall be entitled to medical attendance and treatment, free of charge on the scale and conditions applicable to the members of the All India Services and Members of their families under the rules relating to medical attendance and treatment made from time to time, under the All India Services Act, 1951 (No. LXI of 1951).(2)While on tour undertaken by him in the discharge of his official duties outside India the Speaker or Deputy Speaker as the case may be shall also be entitled to such medical attendance and treatment, free of charge, as may be admissible to the Head of the India Mission at that place.]

7. Prohibition against practising any profession, drawing salary as member, etc.

- The Speaker or the Deputy Speaker shall not,-(a)during the tenure of his office for which he draws salary and allowance, practice any profession or engage in any trade or undertake for remuneration any employment other than his duties as Speaker or Deputy Speaker; and(b)while he draws salary and allowance for his office, be entitled to any salary or allowance as member of the Madhya Pradesh Legislative Assembly.

8. Travelling and daily allowance to Speaker and Deputy Speaker.

(1)The Speaker as well as Deputy Speaker shall, in accordance with the rules made in this behalf by the State Government, be entitled tufa) travelling allowance for himself and the members of his family dependent upon him and for the transport of his family's effects-(i)in respect of the journey to Bhopal from his usual place of residence out of Bhopal for assuming office; and(ii)in respect of the journey from Bhopal to his usual place of residence out of Bhopal on relinquishing office; and(b)[travelling and daily allowances in respect of tours undertaken by him in the discharge of his official duties or public business, whether by land, sea or air] [Substituted by M.P. Act 15 of 1973.],(2)Notwithstanding anything contained in this Act, if the usual place of residence of the Deputy Speaker is other than Bhopal he shall during the period when the Assembly is not in session, be entitled also to travelling and daily allowances in accordance with the rules made in this behalf in respect of tours undertaken by him in the discharge of his official duties from the place of his usual residence which in relation to such tours shall be deemed to be his headquarters.(3)Any travelling allowance under this section may be paid in cash or free official transport provided in lieu thereof.(4)In addition to travelling and daily allowances payable in respect of tours specified in clause (b) of sub-section (1), the Speaker and the Deputy Speaker shall be entitled, without payment of any charge to accommodation in, and provision of electricity at, circuit houses and rest houses maintained by the State Government for the period of their stay during such tours.

8A. [Allowance and perquisites to be exclusive of income-tax. [[2. Inserted by M.P. Act 55 of 1976 and then substituted by MP Act 38 of 1997, (deemed a ways, w.e.f. 1.4.1994) old Section 8-A, reads as under:

'8A. Allowance and perquisites to be exclusive of income tax. - (i) All allowances payable; and(ii)furnished residence without payment of rent and other perquisites admissible, to the Speaker and Deputy Speaker under this Act, shall be exclusive of Income Tax which shall be payable by the State Government as if the income accruing therefrom to speaker or the Deputy Speaker, as the case may be, were his only income for the purposes of Income-tax Act, 1961 (No. 43 of 1961).']]- All allowances payable and furnished residence without payment of rent and other perquisites admissible to Speaker and Deputy Speaker under this Act shall be exclusive of Income-Tax which shall be payable by the State Government at the maximum rate payable by Speaker or Deputy Speaker, as the case may be. Out of the total amount of income accruing from the above allowances and perquisites payable to Speaker or Deputy Speaker, the amount of the limit of exemption from Income Tax and Standard deductions, whatsoever as admissible from time to time, shall not be deducted],

9. Notification respecting appointment etc. of Speaker and Deputy Speaker to be conclusive evidence thereof.

- The date on which any person becomes or ceases to be the Speaker or Deputy Speaker shall be notified in the Gazette and any such notification shall be conclusive evidence of the fact that he became or ceases to be the Speaker or Deputy Speaker on that date for all purposes of this Act.

10. Power to make rules.

(1)The State Government may, by notification make rules for carrying out the purposes of this Act.(2)All rules made under this Act shall be laid on the Table of the Legislative Assembly.

11. Repeal.

- The Madhya Pradesh Speaker and Deputy Speaker (Salaries and Allowances) Act, 1956 (III of 1957), is hereby repealed.