

The Salaries and Allowances of Leaders of Opposition in the State Legislature Act, 1985

JAMMU & KASHMIR

India

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Act 16 of 1985

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The Salaries and Allowances of Leaders of Opposition in the State Legislature Act, 1985 Act No. 16 of 1985 [Received the assent of the Governor on 9th October, 1985, and published in the Government Gazette dated 15th October, 1985.] An Act to amend the laws governing the Salary and Allowances of Leaders of opposition in the Jammu and Kashmir State Legislature. Be it enacted by the Jammu and Kashmir State Legislature in the Thirty-Sixth Year of the Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the Salary and Allowances of Leaders of Opposition in the State Legislature Act, 1985. (2) It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint.

2. Definition.

- In this Act, 'Leader of the Opposition in relation to either House of State Legislature' means that member of the Legislative Council or the Legislative Assembly, as the case may be, who is, for the time being, the Leader in that House of the Party in opposition to the Government having at least a strength equal to the quorum fixed to constitute a sitting of the House and recognised as such by the Chairman of the Legislative Council or the Speaker of the Legislative Assembly, as the case may be. Explanation. - Where there are two or more parties in opposition to the Government, in the Legislative Council or in the Legislative Assembly having the same numerical strength, the Chairman or the Speaker as the case may be, shall having regard to the status of the parties, recognise any one of the Leaders of such parties as the Leader of the Opposition for the purposes of this section and such recognition shall be final and conclusive. ["3. Salary of Leaders of Opposition. [Substituted by Act IV of 2003 (Section 2) w.e.f. 18-11-2002.] - Each leader of the

Opposition shall be entitled to such salary as is admissible to a Minister under section 3 of the Jammu and Kashmir Minister's and Ministers of State Salaries Act, 1956."].

4. Residence for Leaders of Opposition.

(1) Each Leader of the opposition shall, so long as he continues as such Leader and for a period of fifteen days immediately thereafter, be entitled without payment of rent to the use of a furnished residence and no charge shall fall on the Leader of the Opposition personally in respect of the maintenance of such residence. (2) In the event of the death of a Leader of the opposition, his family shall be entitled to the use of the furnished residence occupied by him for a period of fifteen days immediately after his death, without payment of rent and no charge shall fall on his family in respect of the maintenance of such residence. Explanation. - For the purposes of this section, "residence" includes the staff quarters and other buildings, appurtenant thereto, and the garden thereof, and "maintenance" in relation to the residence includes the payment of taxes and the provisions of electricity and water.

5. Travelling and Daily Allowances to Leader of Opposition.

- Subject to any rules made in this behalf by the Government, a leader of the Opposition shall be entitled to-(a) travelling allowances for himself and the members of his family and for transport of his and his family's effect-(i) in respect of the journey to the headquarters of the Government from his usual place of residence outside such headquarters for assuming office; and (ii) in respect of the journey from the headquarters of the Government to his usual place of residence outside such headquarter on relinquishing office; and (b) travelling and daily allowances in respect of tours undertaken by him in the discharge of his duties as Leader of the Opposition whether by land or air.

6. Medical treatment etc. to Leader of Opposition.

- Subject to any rules made in this behalf by the Government, a Leader of the Opposition and the members of his family shall be entitled free of charge to accommodation in the hospitals maintained by the Government and also to medical treatment.

7. Leader of Opposition not to draw salary and allowances as Member of Legislature.

- No Leader of the Opposition in receipt of a salary or allowance under this Act, shall be entitled to receive any sum out of funds provided by the Legislature by way of salary or allowances in respect of his membership of either House of the Legislature.

8. Amenities to Leaders of Opposition.

(1) Subject to any rules made in this behalf by the Government, each Leader of the Opposition shall be entitled to telephone and secretarial facilities. (2) Subject to any rules made in this behalf by the

Government such Leader of the Opposition shall be entitled to a conveyance allowance of one thousand rupees per month.

9. Notification respecting the date on which person became or ceased to be leader of Opposition to be conclusive evidence thereof.

- The date on which any person became or ceased to be a Leader of the Opposition shall be published by the speaker or the Chairman, as the case may be in the Government Gazette, and any such notification shall be conclusive evidence of the fact that he became, or ceased to be, a Leader of the Opposition on that date for all the purposes of this Act.

10. Power to make rules.

(1)The Government may, by notification in the Government Gazette, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-(a)the travelling and daily allowances admissible to a Leader of the Opposition under section 5 ;(b)the medical treatment admissible to a Leader of the Opposition and the members of his family under section 6 ;(c)the telephone and secretarial facilities admissible to a leader of the Opposition and the conditions subject to which he shall be entitled to conveyance allowances under section 8;(3)Every rule made under this section shall be laid as soon as may be after it is made, before each House of 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 session and, if, before the expiry of the session immediately following the session or the successive session aforesaid, both House agree in making any modification in the rule or both Houses agree 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 this rule.